

## ALABAMA SJIS CASE DETAIL

**PREPARED FOR: LEE HOLLIS**

County: **02** Case Number: **CV-2022-900653.00** Court Action:  
 Style: **PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

Real Time

**Case Action Summary**

Date:	Time	Code	Comments	Operator
4/26/2022	6:08 PM	ECOMP	COMPLAINT E-FILED.	TAY024
4/26/2022	6:08 PM	FILE	FILED THIS DATE: 04/26/2022 (AV01)	AJA
4/26/2022	6:08 PM	EORD	E-ORDER FLAG SET TO "Y" (AV01)	AJA
4/26/2022	6:08 PM	SCAN	CASE SCANNED STATUS SET TO: N (AV01)	AJA
4/26/2022	6:08 PM	TDMJ	JURY TRIAL REQUESTED (AV01)	AJA
4/26/2022	6:08 PM	ASSJ	ASSIGNED TO JUDGE: JAMES T. PATTERSON (AV01)	AJA
4/26/2022	6:08 PM	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	AJA
4/26/2022	6:08 PM	ORIG	ORIGIN: INITIAL FILING (AV01)	AJA
4/26/2022	6:08 PM	C001	C001 PARTY ADDED: VAUGHN PAMELA D. (AV02)	AJA
4/26/2022	6:08 PM	C001	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:08 PM	C001	C001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:08 PM	C001	LISTED AS ATTORNEY FOR C001: DENNIS JOSEPH STEWAR	AJA
4/26/2022	6:08 PM	C001	LISTED AS ATTORNEY FOR C001: TAYLOR RICHARD HARRE	AJA
4/26/2022	6:08 PM	D001	D001 PARTY ADDED: JOHN DEERE COMPANY (AV02)	AJA
4/26/2022	6:08 PM	D001	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:08 PM	D001	D001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:08 PM	D001	CERTIFIED MAI ISSUED: 04/26/2022 TO D001 (AV02)	AJA
4/26/2022	6:08 PM	D001	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)	AJA
4/26/2022	6:08 PM	D002	D002 PARTY ADDED: JOHN DEERE CONSTRUCTION & FOREST	AJA
4/26/2022	6:08 PM	D002	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:08 PM	D002	LISTED AS ATTORNEY FOR D002: PRO SE (AV02)	AJA
4/26/2022	6:08 PM	D002	D002 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:08 PM	D002	CERTIFIED MAI ISSUED: 04/26/2022 TO D002 (AV02)	AJA
4/26/2022	6:08 PM	D003	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:09 PM	D003	LISTED AS ATTORNEY FOR D003: PRO SE (AV02)	AJA
4/26/2022	6:09 PM	D003	D003 PARTY ADDED: DEERE & COMPANY, INC. (AV02)	AJA
4/26/2022	6:09 PM	D003	D003 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:09 PM	D003	CERTIFIED MAI ISSUED: 04/26/2022 TO D003 (AV02)	AJA
4/26/2022	6:09 PM	D004	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:09 PM	D004	LISTED AS ATTORNEY FOR D004: PRO SE (AV02)	AJA
4/26/2022	6:09 PM	D004	D004 PARTY ADDED: BEARD EQUIPMENT COMPANY (AV02)	AJA
4/26/2022	6:09 PM	D004	D004 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:09 PM	D004	CERTIFIED MAI ISSUED: 04/26/2022 TO D004 (AV02)	AJA
4/26/2022	6:09 PM	D005	INDIGENT FLAG SET TO: N (AV02)	AJA
4/26/2022	6:09 PM	D005	D005 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:09 PM	D005	CERTIFIED MAI ISSUED: 04/26/2022 TO D005 (AV02)	AJA
4/26/2022	6:09 PM	D005	LISTED AS ATTORNEY FOR D005: PRO SE (AV02)	AJA
4/26/2022	6:09 PM	D005	D005 PARTY ADDED: BEARD EQUIPMENT COMPANY, INC.	AJA
4/26/2022	6:09 PM	D006	CERTIFIED MAI ISSUED: 04/26/2022 TO D006 (AV02)	AJA
4/26/2022	6:09 PM	D006	LISTED AS ATTORNEY FOR D006: PRO SE (AV02)	AJA
4/26/2022	6:09 PM	D006	INDIGENT FLAG SET TO: N (AV02)	AJA

4/26/2022	6:09 PM	D006	D006 E-ORDER FLAG SET TO "Y" (AV02)	AJA
4/26/2022	6:09 PM	D006	D006 PARTY ADDED: BEARD RENTAL & EQUIPMENT, INC.	AJA
4/27/2022	8:26 AM	SORD	SERVICE ORDER SENT TO D001	JOD
4/27/2022	8:26 AM	SORD	SERVICE ORDER SENT TO D002	JOD
4/27/2022	8:26 AM	SORD	SERVICE ORDER SENT TO D003	JOD
4/27/2022	8:26 AM	SORD	SERVICE ORDER SENT TO D004	JOD
4/27/2022	8:27 AM	SORD	SERVICE ORDER SENT TO D005	JOD
4/27/2022	8:27 AM	SORD	SERVICE ORDER SENT TO D006	JOD
4/27/2022	3:25 PM	TRAC	CASE ASSIGNED TO: FAST TRACK (AV01)	JOD
4/27/2022	3:25 PM	DAT4	FOR: CERT TO BE FILED ON 01/20/2023 @ 0900A (AV01)	JOD
4/28/2022	8:14 AM	EORDE	ORDER E-FILED - ORDER - PRETRIAL ORDER - ORDER E-DOCKETED - RENDERED & ENTERED: 4/28/2022 8:14:00 AM	JOO
4/29/2022	12:10 PM	ESERC	SERVICE RETURN	
4/29/2022	12:10 PM	ESERC	SERVICE RETURN	
4/29/2022	12:10 PM	D004	RETURN OF UNKWN ADDRESS ON 04/29/2022 FOR D004	AJA
4/29/2022	12:10 PM	D006	RETURN OF NO ADDRESS ON 04/28/2022 FOR D006 (AV02)	AJA
4/29/2022	12:20 PM	ESERC	SERVICE RETURN - D001 - COMPLAINT	
4/29/2022	12:20 PM	ESERC	SERVICE RETURN - D002 - COMPLAINT	
4/29/2022	12:20 PM	ESERC	SERVICE RETURN - D005 - COMPLAINT	
4/29/2022	12:21 PM	D001	SERVICE OF CERTIFIED MAI ON 04/29/2022 FOR D001	AJA
4/29/2022	12:21 PM	ESERC	SERVICE RETURN - D003 - COMPLAINT	
4/29/2022	12:21 PM	D002	SERVICE OF CERTIFIED MAI ON 04/29/2022 FOR D002	AJA
4/29/2022	12:21 PM	D005	SERVICE OF CERTIFIED MAI ON 04/28/2022 FOR D005	AJA
4/29/2022	12:21 PM	D003	SERVICE OF CERTIFIED MAI ON 04/29/2022 FOR D003	AJA
5/3/2022	11:13 AM	EALIA	ALIAS SUMMONS E-FILED	TAY024
5/3/2022	11:13 AM	ETRAN	ALIAS SUMMONS - SUMMONS	
5/3/2022	11:14 AM	----	SCANNED - ALIAS SUMMONS - TRANSMITTAL - E-NOTICE TRANSMITTALS	
5/3/2022	11:14 AM	----	SCANNED - ALIAS SUMMONS - SUMMONS - E-NOTICE TRANSMITTALS	
5/3/2022	11:14 AM	D006	D006 ADDR1 CHANGED FROM: C/O BRADLEY W. BEARD, JR.	AJA
5/3/2022	11:14 AM	D006	D006 ADDR2 CHANGED FROM: 3507 BROOKDALE DR. S.	AJA
5/3/2022	11:14 AM	D006	REISSUE OF PROCESS SERV ON 05/03/2022 FOR D006	AJA
5/3/2022	11:14 AM	D004	D004 ADDR1 CHANGED FROM: C/O JOHN L. GRAHAM (AV02)	AJA
5/3/2022	11:14 AM	D004	D004 ADDR2 CHANGED FROM: 186 WESTERN BYPASS (AV02)	AJA
5/3/2022	11:14 AM	D004	D004 ADDR CITY CHANGED FROM: MONTGOMERY (AV02)	AJA
5/3/2022	11:14 AM	D004	REISSUE OF PROCESS SERV ON 05/03/2022 FOR D004	AJA
5/5/2022	4:23 PM	EALIA	ALIAS SUMMONS E-FILED	TAY024
5/5/2022	4:23 PM	ETRAN	ALIAS SUMMONS - SUMMONS	
5/5/2022	4:24 PM	D004	D004 ADDR1 CHANGED FROM: C/O MARK A. NEWELL (AV02)	AJA
5/5/2022	4:24 PM	D004	D004 ADDR2 CHANGED FROM: 11 N. WATER STREET (AV02)	AJA
5/5/2022	4:24 PM	D004	D004 ADDR CITY CHANGED FROM: MOBILE (AV02)	AJA
5/5/2022	4:24 PM	D004	REISSUE OF CERTIFIED MA ON 05/05/2022 FOR D004	AJA
5/5/2022	4:24 PM	D004	D004 ADDR STATE CHANGED FROM: AL (AV02)	AJA
5/5/2022	4:24 PM	D006	D006 ADDR1 CHANGED FROM: C/O MARK A. NEWELL (AV02)	AJA
5/5/2022	4:24 PM	D006	REISSUE OF CERTIFIED MA ON 05/05/2022 FOR D006	AJA
5/5/2022	4:24 PM	D006	D006 ADDR2 CHANGED FROM: 11 N. WATER STREET (AV02)	AJA
5/5/2022	4:24 PM	----	SCANNED - ALIAS SUMMONS - TRANSMITTAL - E-NOTICE TRANSMITTALS	
5/5/2022	4:24 PM	----	SCANNED - ALIAS SUMMONS - SUMMONS - E-NOTICE TRANSMITTALS	
5/6/2022	8:06 AM	SORD	SERVICE ORDER SENT TO D006	JOD
5/6/2022	8:06 AM	SORD	SERVICE ORDER SENT TO D004	JOD
5/9/2022	6:25 PM	ESERC	SERVICE RETURN - D004 - ALIAS SUMMONS	
5/9/2022	6:25 PM	D004	SERVICE OF CERTIFIED MAI ON 05/09/2022 FOR D004	AJA
5/9/2022	6:25 PM	ESERC	SERVICE RETURN - D006 - ALIAS SUMMONS	
5/9/2022	6:26 PM	D006	SERVICE OF CERTIFIED MAI ON 05/09/2022 FOR D006	AJA



END OF THE REPORT



State of Alabama Unified Judicial System Form ARCiv-93 Rev. 9/18	<b>COVER SHEET</b> <b>CIRCUIT COURT - CIVIL CASE</b> (Not For Domestic Relations Cases)	Ca: <b>02</b> Date of Filing: 04/26/2022 CIRCUIT COURT OF MOBILE COUNTY, ALABAMA JOJO SCHWARZAUER, CLERK Judge Code:
<b>GENERAL INFORMATION</b>		
<b>IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA</b> <b>PAMELA D. VAUGHN v. JOHN DEERE COMPANY ET AL</b>		
<b>First Plaintiff:</b> <input type="checkbox"/> Business <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
<b>First Defendant:</b> <input checked="" type="checkbox"/> Business <input type="checkbox"/> Individual <input type="checkbox"/> Government <input type="checkbox"/> Other		
<b>NATURE OF SUIT:</b> Select primary cause of action, by checking box (check only one) that best characterizes your action:		
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> WDEA - Wrongful Death <input type="checkbox"/> TONG - Negligence: General <input type="checkbox"/> TOMV - Negligence: Motor Vehicle <input type="checkbox"/> TOWA - Wantonness <input checked="" type="checkbox"/> TOPL - Product Liability/AEMLD <input type="checkbox"/> TOMM - Malpractice-Medical <input type="checkbox"/> TOLM - Malpractice-Legal <input type="checkbox"/> TOOM - Malpractice-Other <input type="checkbox"/> TBFM - Fraud/Bad Faith/Misrepresentation <input type="checkbox"/> TOXX - Other: _____	<b>OTHER CIVIL FILINGS (cont'd)</b> <input type="checkbox"/> MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve <input type="checkbox"/> CVRT - Civil Rights <input type="checkbox"/> COND - Condemnation/Eminent Domain/Right-of-Way <input type="checkbox"/> CTMP - Contempt of Court <input type="checkbox"/> CONT - Contract/Ejectment/Writ of Seizure <input type="checkbox"/> TOCN - Conversion <input type="checkbox"/> EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division <input type="checkbox"/> CVUD - Eviction Appeal/Unlawful Detainer <input type="checkbox"/> FORJ - Foreign Judgment <input type="checkbox"/> FORF - Fruits of Crime Forfeiture <input type="checkbox"/> MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition <input type="checkbox"/> PFAB - Protection From Abuse <input type="checkbox"/> EPFA - Elder Protection From Abuse <input type="checkbox"/> QTLB - Quiet Title Land Bank <input type="checkbox"/> FELA - Railroad/Seaman (FELA) <input type="checkbox"/> RPRO - Real Property <input type="checkbox"/> WTEG - Will/Trust/Estate/Guardianship/Conservatorship <input type="checkbox"/> COMP - Workers' Compensation <input type="checkbox"/> CVXX - Miscellaneous Circuit Civil Case	
<b>TORTS: PERSONAL INJURY</b> <input type="checkbox"/> TOPE - Personal Property <input type="checkbox"/> TORE - Real Property	<b>OTHER CIVIL FILINGS</b> <input type="checkbox"/> ABAN - Abandoned Automobile <input type="checkbox"/> ACCT - Account & Nonmortgage <input type="checkbox"/> APAA - Administrative Agency Appeal <input type="checkbox"/> ADPA - Administrative Procedure Act <input type="checkbox"/> ANPS - Adults in Need of Protective Service	
<b>ORIGIN:</b> F <input checked="" type="checkbox"/> <b>INITIAL FILING</b> A <input type="checkbox"/> <b>APPEAL FROM DISTRICT COURT</b> O <input type="checkbox"/> <b>OTHER</b> R <input type="checkbox"/> <b>REMANDED</b> T <input type="checkbox"/> <b>TRANSFERRED FROM OTHER CIRCUIT COURT</b>		
<b>HAS JURY TRIAL BEEN DEMANDED?</b> <input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <b>Note:</b> Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)		
<b>RELIEF REQUESTED:</b> <input checked="" type="checkbox"/> <b>MONETARY AWARD REQUESTED</b> <input type="checkbox"/> <b>NO MONETARY AWARD REQUESTED</b>		
<b>ATTORNEY CODE:</b> TAY024 4/26/2022 6:08:13 PM /s/ RICHARD HARRELL TAYLOR Date Signature of Attorney/Party filing this form		
<b>MEDIATION REQUESTED:</b> <input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>UNDECIDED</b>		
<b>Election to Proceed under the Alabama Rules for Expedited Civil Actions:</b> <input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b>		



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	
<b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp;COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b>	*	<b>Civil Action No: CV-2022</b>
<b>Defendants.</b>	*	

**COMPLAINT**

1. The Plaintiff Pamela D. Vaughn is the Administratrix of the Estate of her husband, John H. Vaughn, Deceased, and is a resident citizen of Baldwin County, Alabama. John Vaughn was a resident citizen of Baldwin County, Alabama, at the time of his death on May 2, 2020.

2. The Defendants John Deere Company, John Deere Construction & Forestry

Company, Inc, and Deere & Company, Inc. (hereinafter, “John Deere”) are foreign corporations doing business in the State of Alabama at all times material herein.

3. The Defendants Beard Equipment Company, Inc., Beard Equipment Company, and Beard Rental & Equipment, Inc. (hereinafter, “Beard Equipment”), are Florida and Alabama corporations, respectively, doing business in this State at all times material herein. Beard Equipment’s principal place of business is in Mobile County, Alabama.

4. The Defendants A, B, C, and D are persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff’s decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER’s defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained.

5. Venue is proper in Mobile County as to the Beard Equipment Defendants pursuant to Ala. Code 1975 § 6-3-7(a)(2), as the Beard Equipment Defendant corporations maintained their principal office and principal place of business in Mobile County, Alabama. Venue is proper in Mobile County as to the John Deere Defendants pursuant to Ala. Code § 6-3-7(a)(4) as the defendant corporations were doing business by its agent Beard Equipment in Mobile County, Alabama, at the time of accrual of the cause of action.

### **FACTUAL ALLEGATIONS**

6. On or about May 2, 2020, Plaintiff’s decedent John H. Vaughn was involved in a fatal incident involving a John Deere 550K Crawler Dozer in Baldwin County, Alabama.

7. On or before May 2, 2020, the John Deere 550K Crawler bulldozer was rented or

leased to John H. Vaughn by Beard Equipment at its Pensacola, Florida, office.

8. The JOHN DEERE 550K BULLDOZER at issue was designed, manufactured, marketed, sold or otherwise distributed or placed into the stream of commerce by the John Deere defendants.

9. On May 2, 2020, Plaintiff's decedent John H. Vaughn was clearing his land with the bulldozer in a foreseeable and intended manner when he left the operator compartment for reasons unknown at this time.

10. After Mr. Vaughn left the bulldozer's operator compartment, the bulldozer continued to move forward and ultimately ran over Mr. Vaughn and killed him.

11. The bulldozer was defective in that it was not equipped with an Operator Presence Sensing System (OPS), seat switch, stop bar, seatbelt switch or other safety device to stop the bulldozer in the event an operator leaves the seat for whatever reason.

### **COUNT ONE**

#### **(Negligence/Wantonness Against John Deere Defendants and A, B ,C and D )**

12. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

13. The John Deere Defendants and A, B, C, and D owed certain duties to Plaintiff's decedent, but were negligent and/or wanton in one or more of the following ways:

- a. Failing to design, manufacture and/or distribute bulldozers that will not move forward or in reverse when the operator is not in the operator's seat (e.g. Seat switch, OPS, or seatbelt switch);
- b. Failing to equip the bulldozer with an emergency shutoff in the event the bulldozer remains in gear and moving when the operator is not in the operator's seat;

- c. Failing to provide sufficient and proper warnings, instructions and information to users regarding the bulldozer to ensure its safe use; and
- d. Failing to properly educate, monitor and train dealers concerning the rental or lease of its bulldozers that lack safety devices.

14. When the subject bulldozer left the control of the Defendants, economically and technically feasible alternative designs were available that would have minimized or eliminated the danger and prevented the harm to Plaintiff's decedent without significantly impairing the usefulness or desirability of the product

15. The foregoing breaches of duty directly and proximately caused or contributed to fatal injury and the wrongful death of John H. Vaughn.

16. As the direct and/or proximate result of the negligent and/or wanton acts and/or omissions of The John Deere Defendants and A, B, C, and D, John H. Vaughn died.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against The John Deere Defendants, and Fictitious Defendants A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

#### **COUNT TWO**

**(Alabama Extended Manufacturer's Liability Doctrine Against John Deere Defendants and A, B, C, and D)**

17. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

18. The subject bulldozer manufactured, designed, and sold by said Defendants was defective and unreasonably dangerous, and was in this condition when it left the Defendants' hands. Said Defendants are in the business of manufacturing, designing, and selling bulldozers.



19. The subject bulldozer did not perform according to the reasonable expectations of the consumer. Said bulldozer was expected to, and did, reach the ultimate consumer without substantial change in its condition at the time it left the hands of said Defendants.

20. The subject bulldozer was defective and unreasonably dangerous in one or more of the following respects:

a. By design, because it was not equipped with a seat switch, OPS, seatbelt switch or other safety features to prevent the bulldozer from moving when the operator is not in the seat;

b. By manufacture, because there was no seat switch, OPS, or seatbelt switch manufactured as standard equipment or as an available option;

c. Because said Defendants failed to warn, or adequately warn, ultimate users and consumers, including Plaintiff's decedent, of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety devices when the Defendants were aware of the dangers.

21. As a proximate result of the subject bulldozer's defective and unreasonably dangerous condition, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants John Deere, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**COUNT THREE**  
**(Negligence and/or Wantonness Against The Beard Equipment Defendants and A, B, C and D)**

22. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

23. Beard Equipment was negligent and/or wanton in one or more of the following

respects:

- a. By renting or leasing the 550K John Deere Bulldozer without a seat switch, OPS, or other safety device that would prevent the bulldozer from moving when there is no operator in the seat and/or for failing to offer such safety features as an option;
- b. By failing to warn, or adequately warn the decedent of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety device.
- c. By removing or disconnecting the available seat switch, OPS or other safety device;
- d. By removing the seat belt or seatbelt switch from the bulldozer;
- e. By failing to educate and instruct the decedent concerning the safe operation of the bulldozer prior to renting it to him;
- f. By failing to determine the experience and training of Mr. Vaughn prior to renting or leasing the bulldozer to him.

24. As a proximate result of the Beard Equipment Defendants negligence and/or wantonness, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants Beard Equipment, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY.**

Respectfully submitted,

TAYLOR MARTINO, PC  
Attorneys for Plaintiff

By: /s/ Richard H. Taylor  
RICHARD H. TAYLOR (TAY024)  
455 Saint Louis Street,  
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Email: richardtaylor@taylormartino.com

By: /s/ Joseph S. Dennis  
JOSEPH S. DENNIS (DEN034)  
455 St. Louis Street,  
Suite 2100 (36602)  
Post Office Box 894  
Mobile, AL 36601  
Telephone: (251) 433-3131  
Facsimile: (251) 433-4207  
Email: joseph@taylormartino.com

**DEFENDANTS TO BE SERVED AS FOLLOWS:**

John Deere Company  
c/o The Corporation Company, Registered Agent  
60 Commerce Street  
Montgomery, AL 36103

*Via Certified Mail*

John Deere Construction & Forestry Company, Inc.  
c/o CT Corporation System, Registered Agent  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

*Via Certified Mail*

Deere & Company, Inc.  
c/o CT Corporation System, Registered Agent  
2 North Jackson Street, Suite 605  
Montgomery, AL 36104

*Via Certified Mail*

Beard Equipment Company  
c/o John L. Graham, Registered Agent  
186 Western Bypass  
Montgomery, AL 36108

*Via Certified Mail*

Beard Equipment Company, Inc.  
c/o Bradley W. Beard, Jr., Registered Agent  
2459 N. Beltline Hwy  
Mobile, AL 36617

*Via Certified Mail*

Beard Rental & Equipment, Inc.  
c/o Bradley W. Beard, Jr., Registered Agent  
3507 Brookdale Dr. S.  
Mobile, AL 36617

*Via Certified Mail*



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H.</b>	*	
<b>VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	<b>Civil Action No: CV-2022</b>
<b>JOHN DEERE COMPANY, A</b>	*	
<b>CORPORATION ; JOHN DEERE</b>	*	
<b>CONSTRUCTION &amp; FORESTRY,</b>	*	
<b>INC;DEERE &amp;COMPANY, INC;</b>	*	
<b>BEARD EQUIPMENT COMPANY,</b>	*	
<b>INC.; BEARD EQUIPMENT</b>	*	
<b>COMPANY ;BEARD RENTAL &amp;</b>	*	
<b>EQUIPMENT , INC.; AND A, B, C, and</b>	*	
<b>D, persons, firms, corporations, or other</b>	*	
<b>legal entities that sold, designed and/or</b>	*	
<b>manufactured the 550K BULLDOZER</b>	*	
<b>that was defective and unreasonably</b>	*	
<b>dangerous and that Plaintiff's decedent</b>	*	
<b>was operating at the time of his death,</b>	*	
<b>and/or failed to warn or adequately warn</b>	*	
<b>about said 550K BULLDOZER's</b>	*	
<b>defective and unreasonably dangerous</b>	*	
<b>condition, and/or who negligently or</b>	*	
<b>wantonly sold, rented , leased, designed,</b>	*	
<b>manufactured, and/or failed to warn</b>	*	
<b>about said bulldozer, all whose true</b>	*	
<b>identities are presently unknown to the</b>	*	
<b>Plaintiff, but who will be added by</b>	*	
<b>amendment when ascertained,</b>	*	
<b>Defendants.</b>		

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO JOHN DEERE DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the John Deere Defendants (John Deere), respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the John Deere bulldozer, Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any bulldozer designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **INTERROGATORIES**

### **CORPORATE**

1. Please identify the person(s) answering these interrogatories.
2. Is this Defendant correctly named in Plaintiff's Complaint? If not, please provide the correct legal name.

### **OSI**

3. Identify all injuries and deaths reported, or made known to John Deere or its related companies, which involved an operator being thrown from the operator's seat of a John Deere bulldozer.

4. Identify all injuries and deaths reported, or made known to John Deere or its related companies, which involved any bulldozer moving in any direction when the operator is not in the operator compartment.

5. Does this Defendant or related entity in any manner compile, review, or analyze data on John Deere bulldozer accidents? If so:

- a. Describe the process;
- b. Identify who performs these things;
- c. State why it is done; and
- d. Produce this data.

6. Have any lawsuits have ever been filed or claims made against this defendant concerning any John Deere bulldozers wherein there were allegations that the bulldozer did not have an OPS. In answer to this interrogatory, state the style of the case, court in which the case was or is pending, the case number, and the disposition made of the case. If a claim, state the date of the claim, person making the claim, and disposition of said claim (Alternatively, produce the documents).

#### **STANDARDS/TESTING**

7. Identify the safety standards that apply to the subject bulldozer's occupant compartment.

8. State all safety trade and industry organizations to which John Deere is a member where the organization may discuss OPS.

9. Identify the John Deere employees who are or were active members of the safety and trade organizations for the period 2005 to present and identify what committee that person served on and which organization may have addressed OPS.

**OPS**

10. List all John Deere equipment for the period 2001 to 2021 that have OPS as standard or optional equipment. (Alternatively, you can simply produce a brochure for each machine).

11. Identify the person or persons and their position who made or contributed to the decision to:

- a. Not include an OPS as standard equipment on the subject bulldozer;
- b. Not to provide an OPS as an available option on the subject bulldozer;
- c. Not to provide an OPS as standard equipment on ALL bulldozers designed and manufactured by John Deere; and
- d. Install an OPS on some of your equipment and not others.

12. Explain and describe why some of your equipment has OPS and some do not. In answering this Interrogatory, please:

- a. Describe the criteria utilized for the decision;
- b. Identify any documents that contributed to the decisions; and
- c. Produce documents which address the issue.

13. If you contend that marketing and/or sales contributed to the decision not to install an OPS on the subject Bulldozer, or those substantially similar, please identify the person or persons with knowledge concerning this contention.



14. State the reasons why an OPS was not provided as standard equipment on the subject bulldozer.

15. How much would it have cost John Deere to manufacture and install an OPS on the subject bulldozer?

16. Describe the purpose of an OPS on John Deere equipment.

17. Has John Deere ever performed tests for an OPS on a bulldozer? If so, state:

- a. The purpose of the tests;
- b. When, where, and by whom were the tests performed; and
- c. Produce the test data.

18. As regards to the first John Deere machine to be equipped with an OPS, please:

- a. State date of manufacture;
- b. State type of equipment, make and model;
- c. State what prompted John Deere to install it;
- d. What hazards were being addressed; and
- e. Produce documents leading to the decision to install an OPS;

### **SUBJECT TRACTOR**

19. With regard to the subject bulldozer please state:

- a. When and where it was designed;
- b. When it was manufactured;
- c. Where it was manufactured;
- d. Who made the decision not to install an OPS;
- e. When it left your possession; and

f. Where it was shipped and when.

20. State the name, title/position and last known address of each person who is most knowledgeable regarding the following:

- a. The design of subject bulldozer's occupant compartment without an OPS;
- b. Warnings on subject bulldozer; and
- c. Foreseeable uses of subject bulldozer.

21. State the name of the person or committee who was primarily responsible for writing the operator's manual for the John Deere 550K.

22. Do you contend that there was any change or modification to the subject bulldozer after it left John Deere's control before it was rented or leased to John H. Vaughn, until and up to the date of the subject accident? If so, state:

- a. The change or modification;
- b. Who made the change or modification; and
- c. Specifically, how and in what manner said change or modification caused or contributed to the accident.

### **JOHN'S DEATH**

23. Do you contend that the death resulting from the use of the subject bulldozer resulted from an abnormal use or misuse by Mr. Vaughn? If so, please:

- a. State each fact of which this defendant has knowledge that supports this contention.
- b. State the name and address of each person who has knowledge of the facts that support such contention.

24. Do you contend that John H. Vaughn was using the subject bulldozer in an unforeseen manner at the time of his death? If so, state specifically how and in what manner the

subject bulldozer was being used at the time of the accident in a manner not contemplated, foreseen and/or intended by the defendant.

25. Identify the name, address, and telephone number of all persons who have knowledge of relevant facts of the subject accident, sale and rental of the subject bulldozer, and any other relevant facts applicable to this case.

26. Identify each and every person from whom the defendants have taken a written or recorded statement with reference to the captioned matter.

27. Identify who inspected the subject bulldozer after the accident on behalf of John Deere.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45  
DAYS FROM THE SERVICE OF THE COMPLAINT**



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	<b>Civil Action No: CV-2022</b>
<b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp; COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b>	*	
<b>Defendants.</b>	*	

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO JOHN  
DEERE DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests  
that the John Deere Defendants respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data, electronically stored information, videos, and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any tractor designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **REQUESTS FOR PRODUCTION**

### **CORPORATE**

1. Produce an updated organization chart and/or corporate hierarchy chart for this Defendant.

2. Produce all documents and instructional aids offered or produced by you for training and instructing authorized dealers concerning safety on bulldozers.

3. Produce any insurance policy that will or may provide coverage for you in this case.

4. Produce all agreements and/or contracts between this Defendant and Beard Equipment Company, Beard Equipment Company, Inc., Beard Equipment & Rental, Inc., in effect in 2020.

5. Produce your policies and procedures for rental of John Deere equipment.

6. Produce your document retention policy.

**OPS**

7. Produce all documents, electronically stored information, or other media which defendant prepared or had prepared to advise or instruct authorized John Deere dealerships about the sale or rentals of bulldozers with or without OPS.

8. Produce documents where this defendant has discussed whether bulldozers would be designed with an OPS.

9. Produce documents where this defendant has discussed what John Deere equipment would be designed with an OPS and those without an OPS.

10. Produce documents which contain or refer to the criteria for which John Deere equipment will have OPS and which will not.

11. Produce your product safety policy, safety guidelines, safety policy and procedure, etc. for the design of the bulldozers as it relates to occupant retention.

12. Produce all tests, studies, research and development materials prepared by or for you addressing the need for or the feasibility of OPS on your equipment including bulldozers, for the period 2000 to present.

13. Produce any OPS testing documents for the period 2001 to 2021 for John Deere Equipment.

14. Produce all bulldozer accident data in John Deere's possession or control that was analyzed or taken into consideration when it considered adding or not adding OPS to a bulldozer.
15. Produce documents and data which address seat belt usage on bulldozers.
16. Produce all documents which refer to types and kinds of injuries operators could sustain while operating a John Deere bulldozer without an OPS.
17. Produce documents which identify and discuss the first John Deere machine equipped with OPS, like documents in the engineering department that discuss why OPS was being added.
18. Produce all documents regarding safety meetings, conferences, or discussions regarding:
  - a. the dangers or risks an operator being thrown from the operator compartment of John Deere bulldozers; or
  - b. the feasibility or need to install OPS on John Deere.
19. Produce documents which identify the cost of a OPS on a John Deere bulldozer or other John Deere equipment.
20. Produce documents which identify or pertain to any OPS part sold by John Deere.
21. Produce all patents pertaining to OPS that John Deere had any involvement with.
22. Produce documents such as brochures that depict each and every John Deere machine equipped with OPS from the beginning of time until today.
23. To the extent that the defendant contends that the installation of an OPS on the subject bulldozer would significantly or in any manner reduce the utility of the bulldozer, produce documents in the possession or control of this defendant that support this contention.

**SUBJECT BULLDOZER**

24. Produce all educational, safety, and/or instructional material supplied by this Defendant to its distributors with respect to the subject bulldozer.

25. Produce all sales, warranty, and repair records relating to the subject bulldozer.

26. Produce the operator's manual, owner's manual or any other manual for the subject bulldozer.

27. Produce advertisements, including, but not limited to, written advertisements and video and/or commercial advertisements for the subject bulldozer.

28. Produce all brochures, videos, or other materials showing the intended purposes and applications for the subject bulldozer.

29. Produce all photos of the subject bulldozer taken before and after the accident.

30. Produce any documents pertaining to any inspection of the subject bulldozer before and after the accident.

### **STANDARDS**

31. Produce the safety standards applicable to the subject bulldozer's operator compartment.

32. Produce all documents or electronically stored information regarding defendant's participation on any of the following industry standard committees from 2001 to the present where OPS was discussed. This request includes, but is not limited to, minutes, or notes of meetings, materials circulated to participants after any meetings, reports, studies, safety information, proposed standards, correspondence or communication of any type.

- a. International Organization for Standardization (ISO);
- b. US TAG (Forestry Equipment);
- c. The Society of Automotive Engineers (SAE);



- d. American Society of Agricultural and Biological Engineers (ASABE);
- e. ANSI Board of Standards Review; and
- f. Association of Equipment Manufacturers (AEM).

**OSI**

33. Produce any and all documents and electronically stored information which will identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that a John Deere bulldozer was defective, or unsafe, by not to have an OPS.

34. Produce any and all documents and electronically stored information which will identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that an operator left the operator compartment of a bulldozer and was injured or killed when the machine continued to move, or there was property damage.

35. Produce all deposition exhibits and/or trial exhibits or a list of such documents that were generated by the parties in:

- a. Northcutt, et al. v. Indiana Mills & Manufacturing, Inc., et al. E.D. Tex. Case No. 2:10-cv-433;
- b. Vick, et al. v. Deere & Company, et al. W.D. Okla. Case No. CIV-11-1077; and
- c. Any other John Deere case involving a bulldozer without OPS.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H.</b>	*	
<b>VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	<b>Civil Action No: CV-2022</b>
<b>JOHN DEERE COMPANY, A</b>	*	
<b>CORPORATION ; JOHN DEERE</b>	*	
<b>CONSTRUCTION &amp; FORESTRY,</b>	*	
<b>INC;DEERE &amp;COMPANY, INC;</b>	*	
<b>BEARD EQUIPMENT COMPANY,</b>	*	
<b>INC.; BEARD EQUIPMENT</b>	*	
<b>COMPANY ;BEARD RENTAL &amp;</b>	*	
<b>EQUIPMENT , INC.; AND A, B, C, and</b>	*	
<b>D, persons, firms, corporations, or other</b>	*	
<b>legal entities that sold, designed and/or</b>	*	
<b>manufactured the 550K BULLDOZER</b>	*	
<b>that was defective and unreasonably</b>	*	
<b>dangerous and that Plaintiff's decedent</b>	*	
<b>was operating at the time of his death,</b>	*	
<b>and/or failed to warn or adequately warn</b>	*	
<b>about said 550K BULLDOZER's</b>	*	
<b>defective and unreasonably dangerous</b>	*	
<b>condition, and/or who negligently or</b>	*	
<b>wantonly sold, rented , leased, designed,</b>	*	
<b>manufactured, and/or failed to warn</b>	*	
<b>about said bulldozer, all whose true</b>	*	
<b>identities are presently unknown to the</b>	*	
<b>Plaintiff, but who will be added by</b>	*	
<b>amendment when ascertained,</b>	*	
<b>Defendants.</b>		

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO BEARD EQUIPMENT**  
**DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests  
that the Beard Equipment Defendants (Beard Equipment), respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the John Deere bulldozer, Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any bulldozer designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **INTERROGATORIES**

### **CORPORATE**

1. Please identify the person(s) answering these interrogatories.
2. Is this Defendant correctly named in Plaintiff's Complaint? If not, please provide the correct legal name.

### **OSI**

3. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved an operator being thrown from the operating seat of a John Deere bulldozer.

4. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved any bulldozer moving in any direction when the operator is not in the operator compartment.

5. Have any lawsuits have ever been filed or claims made against this defendant concerning any John Deere bulldozers wherein there were allegations that the bulldozer did not have an OPS? In the answer to this interrogatory, state the style of the case, court in which the case was or is pending, the case number, and the disposition made of the case. If a claim, state the date of the claim, person making the claim, and disposition of said claim (Alternatively, produce the documents).

### **OPS**

6. List all John Deere equipment for the period 2001 to 2021 that have OPS as standard or optional equipment. (Alternatively, you can simply produce a brochure for each machine).

7. State the reasons why an OPS was not provided as standard equipment on the subject bulldozer.

8. How much would it have cost you to install an OPS on the subject bulldozer?

9. Describe the purpose of an OPS on John Deere equipment.

### **SUBJECT TRACTOR**

10. With regard to the subject bulldozer please state:

a. When it was manufactured;

- b. Where it was manufactured;
  - c. When you purchased it; and
  - d. Where it was shipped to you and when.
11. Explain and describe in detail the intended use and applications of the subject Bulldozer.
12. Do you contend that there was any change or modification to the subject bulldozer before it was rented or leased to John H. Vaughn, until and up to the date of the subject accident? If so, state:
- a. The change or modification;
  - b. Who made the change or modification; and
  - c. Specifically, how and in what manner said change or modification caused or contributed to the accident.
13. Does Beard Equipment still own the bulldozer? If not, identify the current owner.
14. Did the subject bulldozer have a seatbelt with it when rented to Mr. Vaughn?
15. Did the subject bulldozer have OPS with it when rented to Mr. Vaughn?

### **JOHN'S DEATH**

16. Identify the name, address, and telephone number of all persons who have knowledge of relevant facts of the subject accident, sale and rental of the subject bulldozer, and any other relevant facts applicable to this case.
17. Identify all Beard Equipment employees who communicated with Mr. Vaughn concerning the bulldozer.
18. Identify who inspected the bulldozer after the accident.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**

**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

**PAMELA D. VAUGHN, as  
Administratrix of the Estate of JOHN H.  
VAUGHN, Deceased,**

**Plaintiff,**

**V.**

**JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION & FORESTRY, INC.; DEERE & COMPANY, INC.; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ; BEARD RENTAL & EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,**

## Defendants.

[illegible]

**Civil Action No: CV-2022**

**PLAINTIFF’S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO BEARD  
EQUIPMENT DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the Beard Equipment Defendants respond to the following Requests:

## DEFINITIONS

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data, electronically stored information, videos, and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any tractor designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **REQUESTS FOR PRODUCTION**

### **CORPORATE**

1. Produce all educational, safety, and/or instructional material supplied to you by John Deere with respect to the subject bulldozer.

2. Produce all documents which you provide to renters, buyers or users about the safety of bulldozers.



3. Produce dealership agreements and/or contracts between John Deere and Beard Equipment Company, Beard Equipment Company, Inc., Beard Equipment & Rental, Inc., in effect in 2020.

4. Produce any insurance policy that will or may provide coverage for you in this case.

**OPS**

5. Produce documents, like brochures, which identify and discuss the first John Deere machine equipped with OPS.

6. Produce all John Deere brochures, pamphlets and the like that depict any John Deere equipment with OPS.

7. Produce documents which identify the cost of an OPS on a John Deere bulldozer or other John Deere equipment.

**SUBJECT BULLDOZER**

8. Produce all sales, warranty, and repair records relating to the subject bulldozer.

9. Produce the operator's manual, owner's manual or any other manual for the subject bulldozer.

10. Produce advertisements, brochures, video and/or commercial advertisements for the subject bulldozer.

11. Produce all brochures, videos, or other materials showing the intended purposes and applications for the subject bulldozer.

12. Produce all photos of the subject bulldozer taken before and after the accident.

13. Produce documents pertaining to the purchase of the subject bulldozer.

**OSI**

14. Produce any and all documents which identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that a John Deere bulldozer was defective, or unsafe, by failing to have an OPS.

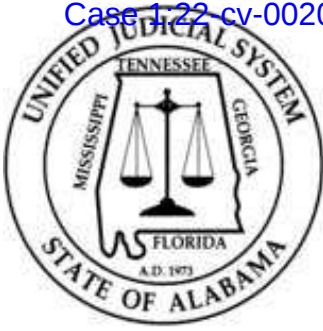
15. Produce any and all documents and electronically stored information which will identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that an operator left the operator compartment of a bulldozer and was involved or killed when the machine continued to move.

16. Produce all the rental or lease agreements with John Vaughn for the subject bulldozer.

17. Produce your rental policy and rental agreements

18. Produce all communications with Mr. Vaughn and the Vaughn family.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**



## AlaFile E-Notice

02-CV-2022-900653.00

To: RICHARD HARRELL TAYLOR  
richard@taylormartino.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following complaint was FILED on 4/26/2022 6:07:59 PM

Notice Date: 4/26/2022 6:07:59 PM

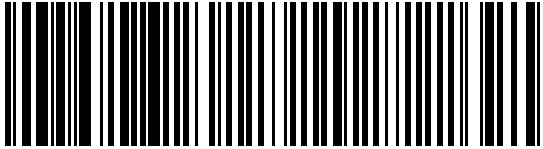
JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

USPS CERTIFIED MAIL



9214 8901 7301 4102 2200 0500 76

02-CV-2022-900653.00

To: JOHN DEERE COMPANY  
C/O THE CORPORATION CO.  
60 COMMERCE STREET  
MONTGOMERY, AL 36103

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following complaint was FILED on 4/26/2022 6:07:59 PM

Notice Date: 4/26/2022 6:07:59 PM

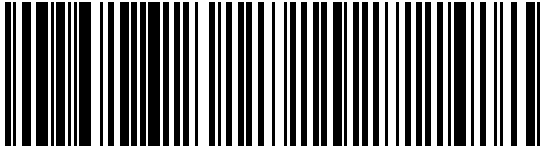
**JOJO SCHWARZAUER**  
**CIRCUIT COURT CLERK**  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL 36644

251-574-8420  
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

USPS CERTIFIED MAIL



9214 8901 7301 4102 2200 0500 83

02-CV-2022-900653.00

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC.  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL 36104

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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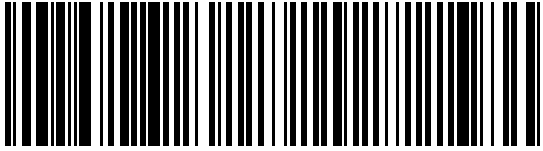
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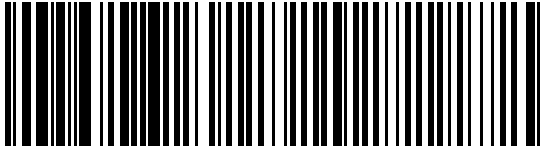
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9214 8901 7301 4102 2200 0501 06

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To: BEARD EQUIPMENT COMPANY  
C/O JOHN L. GRAHAM  
186 WESTERN BYPASS  
MONTGOMERY, AL 36108

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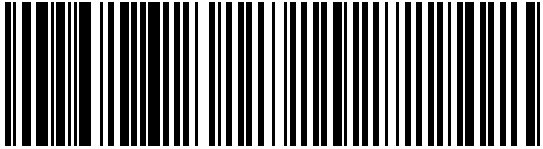
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9214 8901 7301 4102 2200 0501 13

02-CV-2022-900653.00

To: BEARD EQUIPMENT COMPANY, INC.  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL 36617

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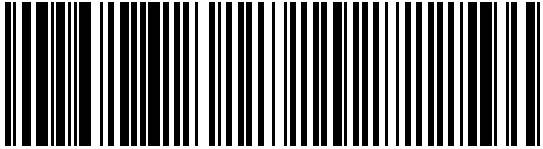
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02-CV-2022-900653.00

To: BEARD RENTAL & EQUIPMENT, INC.  
C/O BRADLEY W. BEARD, JR.  
3507 BROOKDALE DR. S.  
MOBILE, AL 36617

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<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>02-CV-2022-900653.00</b>
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** JOHN DEERE COMPANY, C/O THE CORPORATION CO. 60 COMMERCE STREET, MONTGOMERY, AL 36103  
*(Name and Address of Defendant)*

---

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

---

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

---

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of PAMELA D. VAUGHN  
*(Name(s))*  
 pursuant to the Alabama Rules of the Civil Procedure.

04/26/2022                      /s/ JOJO SCHWARZAUER                      By: \_\_\_\_\_  
*(Date)*                                      *(Signature of Clerk)*                                      *(Name)*

---

☒ Certified Mail is hereby requested.                      /s/ RICHARD HARRELL TAYLOR  
*(Plaintiff's/Attorney's Signature)*

---

**RETURN ON SERVICE**

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*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
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*(Name of Person Served)*                                      *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type of Process Server)*

\_\_\_\_\_  
*(Server's Signature)*

\_\_\_\_\_  
*(Address of Server)*

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*(Server's Printed Name)*

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*(Phone Number of Server)*

<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>02-CV-2022-900653.00</b>
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC., C/O CT CORPORATION SYSTEM 2 NORTH JACKSON STREET, MONTGOMERY, AL 36104  
*(Name and Address of Defendant)*

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 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

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04/26/2022 /s/ JOJO SCHWARZAUER By: \_\_\_\_\_  
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*(Plaintiff's/Attorney's Signature)*

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**NOTICE TO:** DEERE & COMPANY, INC., C/O CT CORPORATION SYSTEM 2 NORTH JACKSON STREET, MONTGOMERY, AL 36104  
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 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

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Alabama on \_\_\_\_\_  
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**PRETRIAL ORDER: JURY AND NON-JURY CASES  
IN THE CIRCUIT COURT OF MOBILE COUNTY  
BEFORE JUDGE JAMES T. PATTERSON**

In all pending cases before Judge Patterson, the following Pretrial Order will apply. This Order is in addition to the Fast Track Order or General Pretrial Order that may be filed with this case. To the extent this Pretrial Order conflicts with the Fast Track or the General Order, this Pretrial Order is the governing Order.

Counsel and their support staff please pay particular note to parts 9 and 15 below regarding AlaFile requirements and proposed orders.

**Fast Track Order:**

1. If any party objects to inclusion in the Fast Track System, the Court requires the party to file a Motion to Exclude along with a Proposed Scheduling Order. (See ¶ 9 below). At a minimum, the Proposed Scheduling Order must provide a proposed trial date (or month), the length of the trial, dispositive motion cut-off dates (see ¶ 5 below), factual discovery cut-off dates, expert discovery cut-off dates, and any limitations on discovery or exhibits. If the parties cannot agree on a Scheduling Order, the Court will conduct a Rule 16 conference to finalize one.
2. If case remains in the Fast Track system, the Court expects the parties to comply with the time constraints set forth in that Order. Once a party files a Motion to Set the Matter for Trial and a Certificate of Readiness, the Court will grant the motion, subject to any objection, and assign the case to a mediator to be mediated within 60 days. If the mediation is unsuccessful, the parties are required to file a report and the Court will assign a trial date.
3. If the parties anticipate that preparing for trial will take more than eighteen months, the parties must file a motion for a Rule 16 conference.

**All Jury Trial Cases:**

4. If at any time while the action is pending either party anticipates that the jury trial will take more than 5 days, that party must file a motion for a Rule 16 conference.
5. The Court requires any dispositive motion to be filed at least 4 weeks before trial unless otherwise agreed to by the parties. Any dispositive motion filed after this deadline will not be considered before trial.
6. The Court will conduct a Pretrial Conference approximately ten days prior to the trial setting. The attorney(s) who will be trying the case must attend the Pretrial Conference. The Court will issue a pretrial order after the conference addressing exchange of pre-marked exhibits, witness lists, jury charges, deposition testimony use



and other procedural trial issues.

7. All Motions to Strike and Motions in Limine must be filed at least 4 weeks before the start of trial. The Court will set these motions for a hearing at the pre-trial conference referenced in part 6 above. The Court will not hear any motions filed after this deadline unless for good cause shown.

**All Cases:**

8. All pleadings and evidentiary support must be e-filed. The Court will not accept paper-filed pleadings unless the Court has given counsel prior written permission.

9. **Motions must be accompanied with a proposed order properly uploaded into AlaCourt as a "proposed order."** The Court cautions the attorneys that when e-filing proposed orders, the proposed order cannot be filed within the body of the motion or as an "attachment" or an "exhibit" to the pending motion. It must be filed as a "proposed order." If the attorneys experience difficulty with this, see

<User Manual at [www.alacourt.gov/pdfppt/alafileUserManual.pdf](http://www.alacourt.gov/pdfppt/alafileUserManual.pdf)>

10. Motions for service by publication must be properly supported by an affidavit setting forth the facts averring avoidance of service. See Fisher v. Amaraneni, 565 So. 2d 84 (Ala. 1990); Wagner v. White, 985 So. 2d 458 (Ala. Civ. App. 2007).

11. Prior to requesting a continuance for a motion or trial setting, the requesting party must confer with opposing counsel and indicate the result of the conference in the Motion to Continue.

12. Counsel must confer the night before or the morning of a scheduled hearing on any discovery dispute and attempt to resolve the discovery dispute or narrow down the disputed issues. As a general rule, this Court highly disfavors unsupported "boilerplate" objections such as the request is irrelevant, vague, ambiguous, overly broad, unduly burdensome, or unlikely to lead to the discovery of admissible evidence. Objections to a discovery request must be specific and supported by detailed explanation of why the discovery request is improper. Ex Parte Dorsey Trailers Inc., 397 So. 2d 98 (Ala. 1981). Further, answering a discovery request subject to or reserving a general objection will be deemed a waiver of that objection. See Wright, Miller & Marcus, Fed Prac & Proc, Civil §2173 ("A voluntary answer to an interrogatory is also a waiver of the objection.").

13. Protective Orders containing provisions to seal court records and motions to seal court filings must be set for a hearing during which the party requesting to seal the records must provide clear and convincing evidence that the documents should be sealed. See Holland v. EADS, 614 So. 2d 1012 (Ala 1993).

14. The Court may request the parties e-mail proposed orders on certain issues directly to the Court. Any proposed orders sent to the Court through e-mail must be attached as a ".doc" in Microsoft Word format and counsel for opposing parties must copied on the e-mail.

15. Only documents filed as a "motion" appear in the Court's motion queue for review because of the nature of the Alacourt system. Documents filed as "other," "miscellaneous," "discovery," or "amended complaint/answer" (such as stipulations of dismissal, notice of removal, etc.) will appear in the case action summary sheet, but the Court has no notice that such a document has been filed. **If Court action is required in conjunction any pleadings, it needs to be filed as a "motion."**

**Additional Rules Applicable to Workers Compensation Cases:**

16. The parties must notify the Court when the plaintiff is at Maximum Medical Improvement. All cases will be mediated prior to trial on the merits and then set for trial within 90 days of notification of an unsuccessful mediation.

17. Motions to Compel filed where liability is disputed will be treated as a Request for Trial on the merits on liability only.

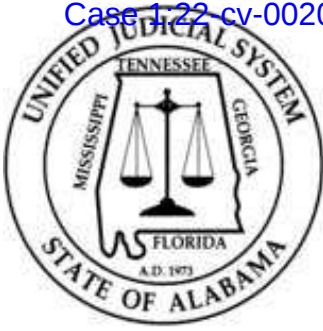
18. At the close of evidence in any case, the Court will request the parties submit through e-mail proposed Findings of Fact and Conclusions of Law to the Court. (See ¶ 14 above).

**Additional Rules Applicable to Non-Jury Account Collection, Contract, Ejectment, and "Other" Similar Cases:**

19. Service shall be perfected within 120 days or the case will be dismissed. Motions to Extend the Time for Service must be accompanied by an affidavit about service attempts and a proposed order. See ¶ 9 above. Motion for service by publication must be properly supported. See ¶ 10 above.

20. Once the Defendant(s) is served and fails to answer, the Court expects dispositive motions to be filed within 90 days of service. Motions for default must be supported appropriately and a proposed order filed. See ¶ 9 above. See Thomas v. American Express Bank, FSB, 139 So. 3d 809 (Ala. Civ. App. 2013).

21. Once the Defendant(s) is served and answers, the Court expects either a dispositive motion such as summary judgment or a request to set the case for trial within 90 days of the answer.



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

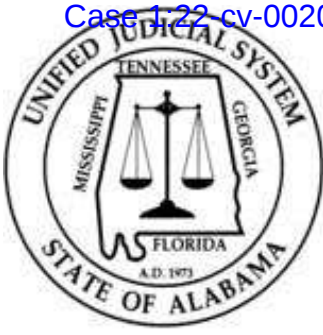
PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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The following matter was FILED on 4/28/2022 8:13:55 AM

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MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



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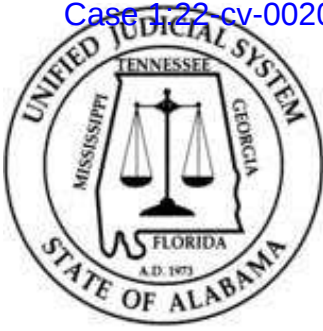
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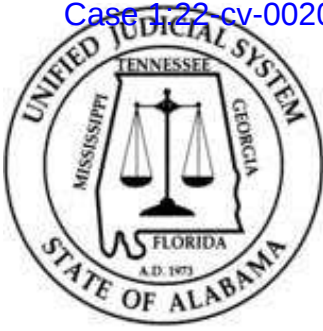
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To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
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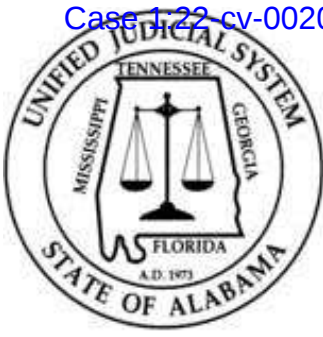
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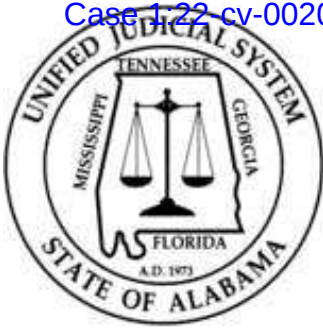
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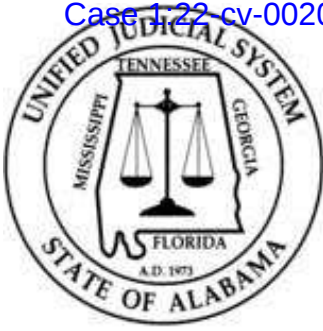
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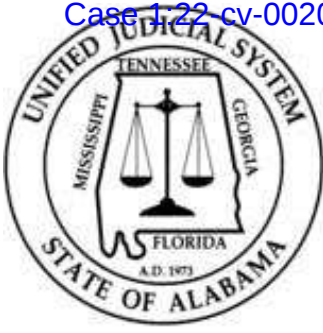
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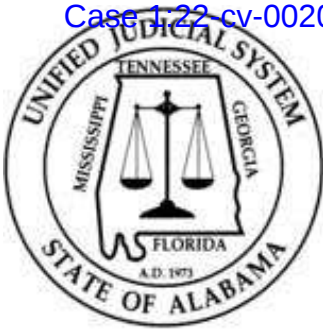
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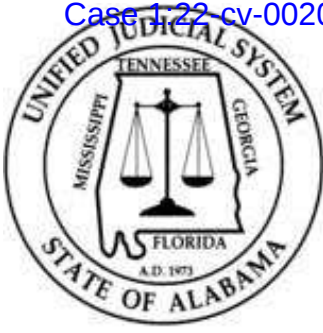
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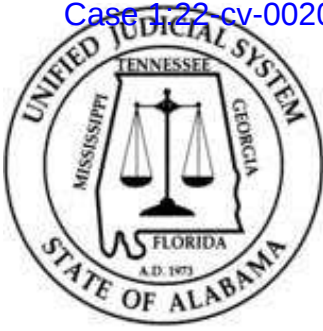
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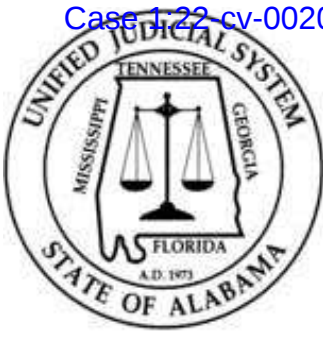
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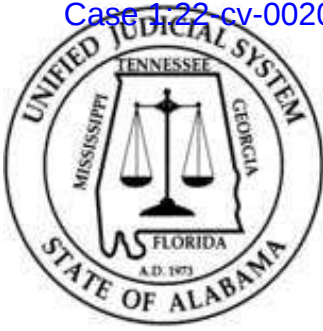
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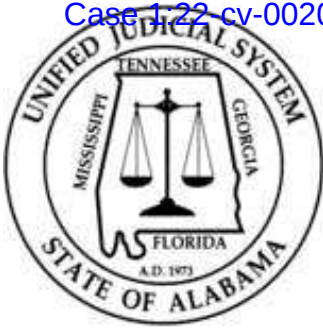
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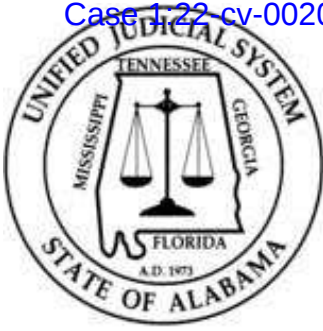
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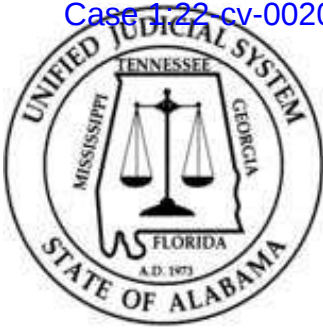
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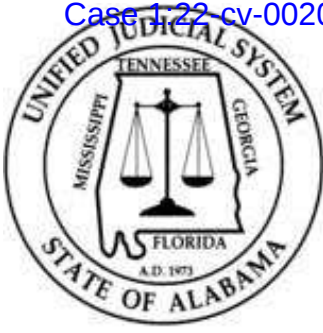
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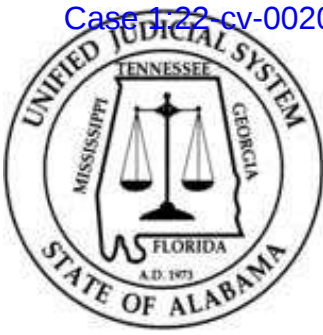
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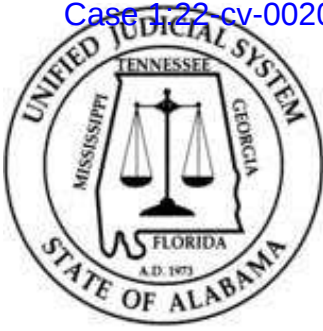
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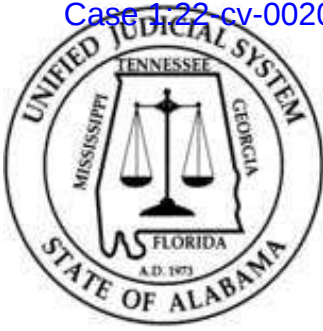
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02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DEERE & COMPANY, INC. (PRO SE)  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

---

## NOTICE OF NO SERVICE

---

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following matter was not served on 4/29/2022

D004 BEARD EQUIPMENT COMPANY

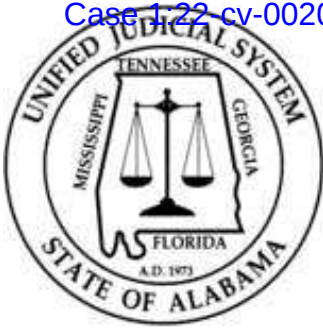
Corresponding To

UNKNOWN ADDRESSEE

ELECTRONIC CERTIFIED MAIL RETURN

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY (PRO SE)  
C/O JOHN L. GRAHAM  
186 WESTERN BYPASS  
MONTGOMERY, AL, 36108-0000

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02-CV-2022-900653.00

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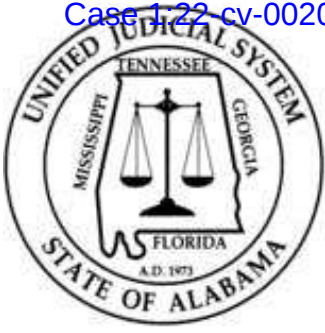
UNKNOWN ADDRESSEE

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JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL, 36617-0000

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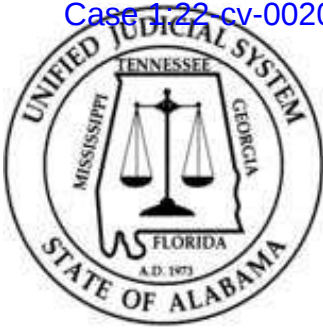
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD RENTAL & EQUIPMENT, INC. (PRO SE)  
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3507 BROOKDALE DR. S.  
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205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## UJS Information

April 29, 2022

Dear Circuit Clerk:

Case Number: 02-CV-2022-900653.00  
 Document Type: Complaint  
 Restricted Delivery Requested: No

Intended Recipient:  
 JOHN DEERE COMPANY (D001)  
 C/O THE CORPORATION CO.  
 60 COMMERCE STREET  
 MONTGOMERY, AL 36103

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 7301 4102 2200 0500 76.**

## Item Details

**Status:** Delivered, Individual Picked Up at Post Office  
**Status Date / Time:** April 29, 2022, 8:45 am  
**Location:** MONTGOMERY, AL 36104  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
 Return Receipt Electronic

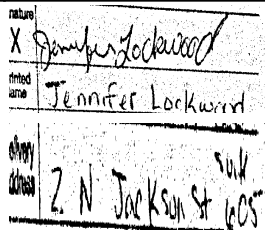
## Shipment Details

**Weight:** 7.0oz

## Recipient Signature

Signature of Recipient:

Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
 United States Postal Service®  
 475 L'Enfant Plaza SW  
 Washington, D.C. 20260-0004



### UJS Information

April 29, 2022

Dear Circuit Clerk:

Case Number: 02-CV-2022-900653.00  
 Document Type: Complaint  
 Restricted Delivery Requested: No

Intended Recipient:

JOHN DEERE CONSTRUCTION & FORESTRY COMPANY  
 C/O CT CORPORATION SYSTEM  
 2 NORTH JACKSON STREET  
 MONTGOMERY, AL 36104

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**9214 8901 7301 4102 2200 0500 83.**

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**Postal Product:** First-Class Mail®  
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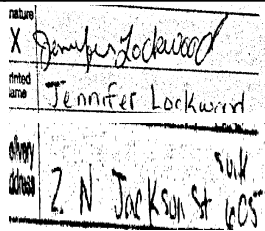
### Shipment Details

**Weight:** 7.0oz

### Recipient Signature

Signature of Recipient:

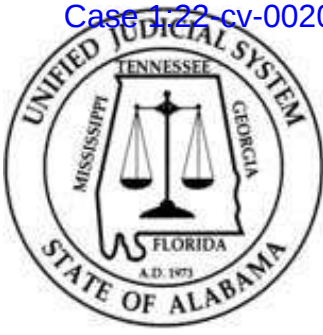
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 Washington, D.C. 20260-0004



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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D001 JOHN DEERE COMPANY

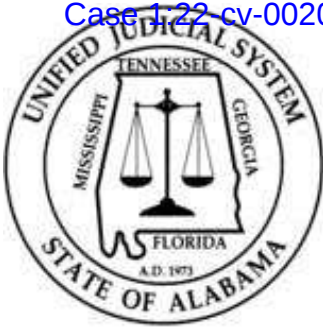
Corresponding To

CERTIFIED MAIL

ELECTRONIC CERTIFIED MAIL RETURN

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DENNIS JOSEPH STEWART  
joseph@taylormartino.com

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02-CV-2022-900653.00

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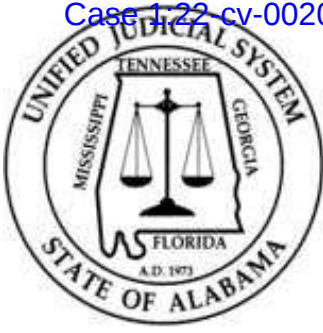
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE COMPANY (PRO SE)  
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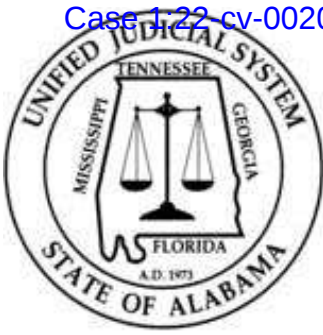
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
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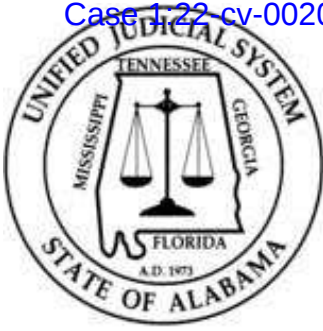
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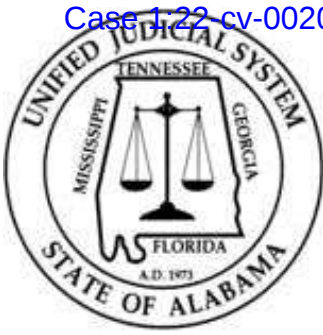
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY (PRO SE)  
C/O JOHN L. GRAHAM  
186 WESTERN BYPASS  
MONTGOMERY, AL, 36108-0000

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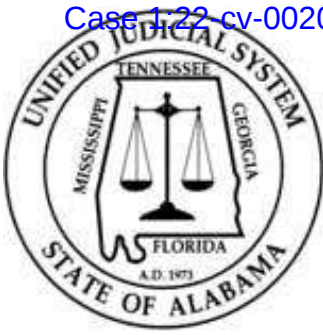
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
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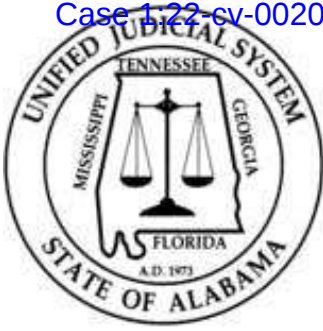
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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D002 JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC.

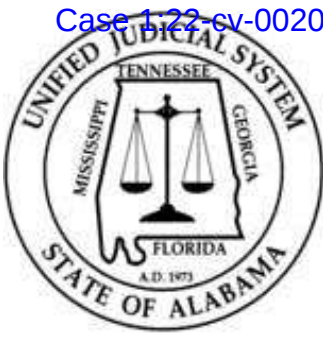
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MOBILE COUNTY, ALABAMA  
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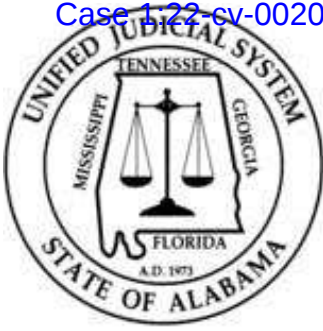
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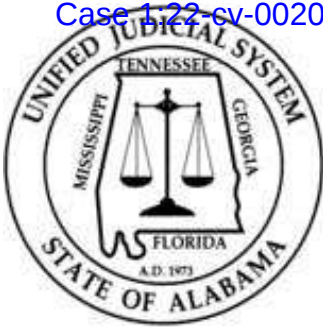
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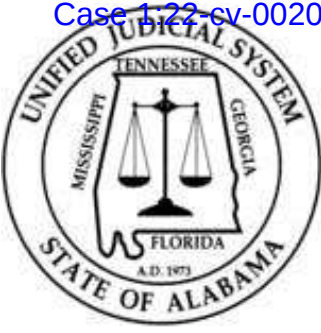
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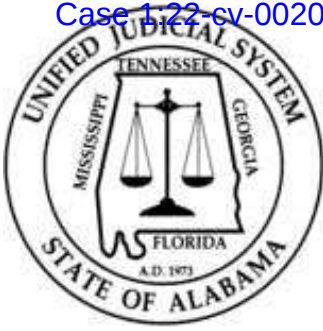
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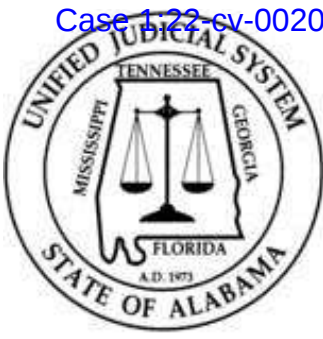
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Judge: JAMES T. PATTERSON

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02-CV-2022-900653.00

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April 29, 2022

Dear Circuit Clerk:

**UJS Information**

Case Number: 02-CV-2022-900653.00

Document Type: Complaint

Restricted Delivery Requested: No

Intended Recipient:

BEARD EQUIPMENT COMPANY, INC. (D005)

C/O BRADLEY W. BEARD, JR.

2459 N. BELTLINE HWY

MOBILE, AL 36617

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 7301 4102 2200 0501 13.**

**Item Details**

**Status:** Delivered, Front Desk/Reception/Mail Room  
**Status Date / Time:** April 28, 2022, 10:24 am  
**Location:** MOBILE, AL 36610  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
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**Shipment Details**

**Weight:** 7.0oz

**Recipient Signature**

Signature of Recipient:

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### UJS Information

April 29, 2022

Dear Circuit Clerk:

Case Number: 02-CV-2022-900653.00  
 Document Type: Complaint  
 Restricted Delivery Requested: No

Intended Recipient:  
 DEERE & COMPANY, INC. (D003)  
 C/O CT CORPORATION SYSTEM  
 2 NORTH JACKSON STREET  
 MONTGOMERY, AL 36104

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 7301 4102 2200 0500 90.**

### Item Details

**Status:** Delivered, Individual Picked Up at Post Office  
**Status Date / Time:** April 29, 2022, 8:45 am  
**Location:** MONTGOMERY, AL 36104  
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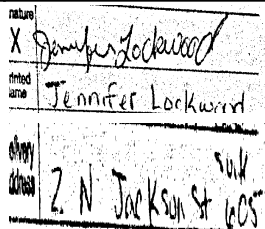
### Shipment Details

**Weight:** 7.0oz

### Recipient Signature

Signature of Recipient:

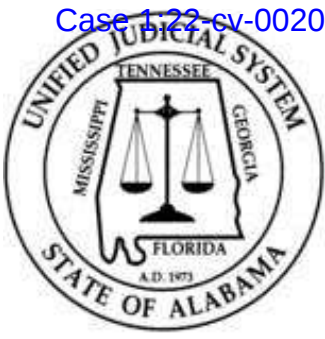
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## AlaFile E-Notice

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Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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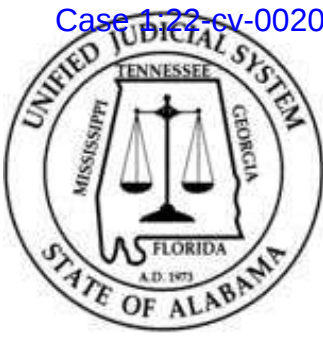
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charles.lewis@alacourt.gov



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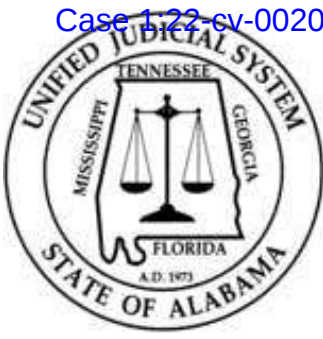
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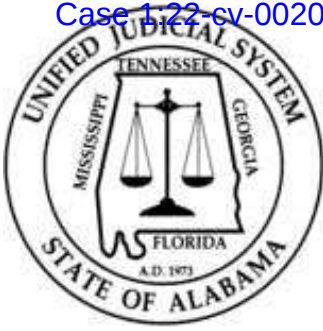
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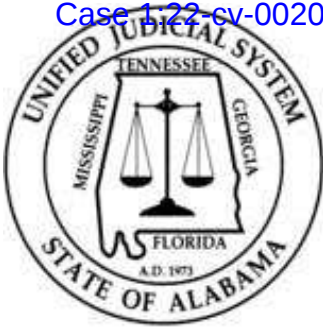
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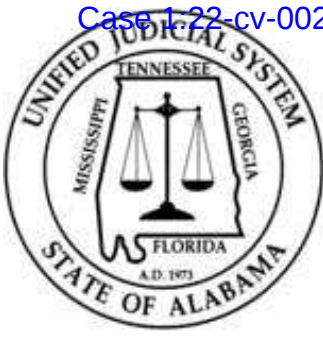
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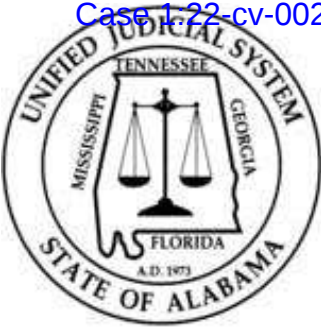
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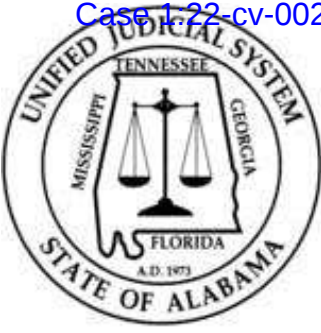
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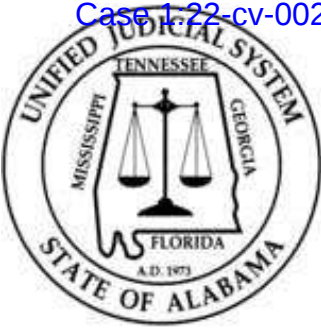
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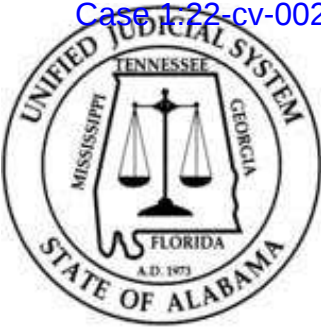
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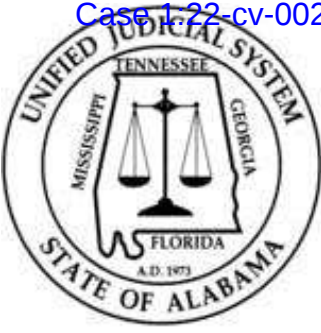
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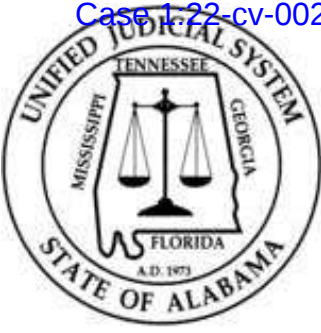
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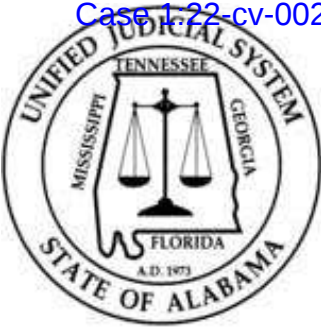
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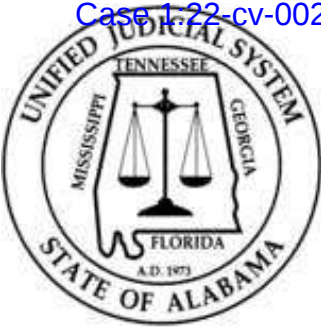
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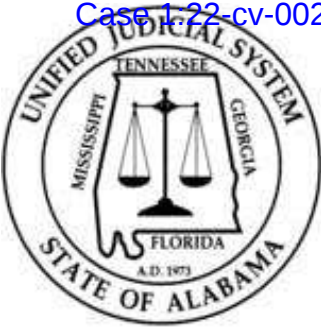
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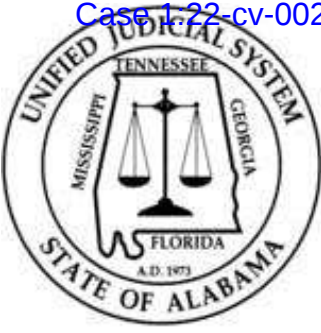
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<p><b>PAMELA D. VAUGHN, as Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b></p> <p><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp;COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b></p> <p><b>Defendants.</b></p>	<p><b>Civil Action No: CV-2022-900653</b></p>
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## COMPLAINT

1. The Plaintiff Pamela D. Vaughn is the Administratrix of the Estate of her husband, John H. Vaughn, Deceased, and is a resident citizen of Baldwin County, Alabama. John Vaughn was a resident citizen of Baldwin County, Alabama, at the time of his death on May 2, 2020.

2. The Defendants John Deere Company, John Deere Construction & Forestry

Company, Inc, and Deere & Company, Inc. (hereinafter, “John Deere”) are foreign corporations doing business in the State of Alabama at all times material herein.

3. The Defendants Beard Equipment Company, Inc., Beard Equipment Company, and Beard Rental & Equipment, Inc. (hereinafter, “Beard Equipment”), are Florida and Alabama corporations, respectively, doing business in this State at all times material herein. Beard Equipment’s principal place of business is in Mobile County, Alabama.

4. The Defendants A, B, C, and D are persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff’s decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER’s defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained.

5. Venue is proper in Mobile County as to the Beard Equipment Defendants pursuant to Ala. Code 1975 § 6-3-7(a)(2), as the Beard Equipment Defendant corporations maintained their principal office and principal place of business in Mobile County, Alabama. Venue is proper in Mobile County as to the John Deere Defendants pursuant to Ala. Code § 6-3-7(a)(4) as the defendant corporations were doing business by its agent Beard Equipment in Mobile County, Alabama, at the time of accrual of the cause of action.

### **FACTUAL ALLEGATIONS**

6. On or about May 2, 2020, Plaintiff’s decedent John H. Vaughn was involved in a fatal incident involving a John Deere 550K Crawler Dozer in Baldwin County, Alabama.

7. On or before May 2, 2020, the John Deere 550K Crawler bulldozer was rented or



leased to John H. Vaughn by Beard Equipment at its Pensacola, Florida, office.

8. The JOHN DEERE 550K BULLDOZER at issue was designed, manufactured, marketed, sold or otherwise distributed or placed into the stream of commerce by the John Deere defendants.

9. On May 2, 2020, Plaintiff's decedent John H. Vaughn was clearing his land with the bulldozer in a foreseeable and intended manner when he left the operator compartment for reasons unknown at this time.

10. After Mr. Vaughn left the bulldozer's operator compartment, the bulldozer continued to move forward and ultimately ran over Mr. Vaughn and killed him.

11. The bulldozer was defective in that it was not equipped with an Operator Presence Sensing System (OPS), seat switch, stop bar, seatbelt switch or other safety device to stop the bulldozer in the event an operator leaves the seat for whatever reason.

### **COUNT ONE**

#### **(Negligence/Wantonness Against John Deere Defendants and A, B ,C and D )**

12. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

13. The John Deere Defendants and A, B, C, and D owed certain duties to Plaintiff's decedent, but were negligent and/or wanton in one or more of the following ways:

- a. Failing to design, manufacture and/or distribute bulldozers that will not move forward or in reverse when the operator is not in the operator's seat (e.g. Seat switch, OPS, or seatbelt switch);
- b. Failing to equip the bulldozer with an emergency shutoff in the event the bulldozer remains in gear and moving when the operator is not in the operator's seat;

- c. Failing to provide sufficient and proper warnings, instructions and information to users regarding the bulldozer to ensure its safe use; and
- d. Failing to properly educate, monitor and train dealers concerning the rental or lease of its bulldozers that lack safety devices.

14. When the subject bulldozer left the control of the Defendants, economically and technically feasible alternative designs were available that would have minimized or eliminated the danger and prevented the harm to Plaintiff's decedent without significantly impairing the usefulness or desirability of the product

15. The foregoing breaches of duty directly and proximately caused or contributed to fatal injury and the wrongful death of John H. Vaughn.

16. As the direct and/or proximate result of the negligent and/or wanton acts and/or omissions of The John Deere Defendants and A, B, C, and D, John H. Vaughn died.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against The John Deere Defendants, and Fictitious Defendants A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

### **COUNT TWO**

**(Alabama Extended Manufacturer's Liability Doctrine Against John Deere Defendants and A, B, C, and D)**

17. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

18. The subject bulldozer manufactured, designed, and sold by said Defendants was defective and unreasonably dangerous, and was in this condition when it left the Defendants' hands. Said Defendants are in the business of manufacturing, designing, and selling bulldozers.

19. The subject bulldozer did not perform according to the reasonable expectations of the consumer. Said bulldozer was expected to, and did, reach the ultimate consumer without substantial change in its condition at the time it left the hands of said Defendants.

20. The subject bulldozer was defective and unreasonably dangerous in one or more of the following respects:

a. By design, because it was not equipped with a seat switch, OPS, seatbelt switch or other safety features to prevent the bulldozer from moving when the operator is not in the seat;

b. By manufacture, because there was no seat switch, OPS, or seatbelt switch manufactured as standard equipment or as an available option;

c. Because said Defendants failed to warn, or adequately warn, ultimate users and consumers, including Plaintiff's decedent, of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety devices when the Defendants were aware of the dangers.

21. As a proximate result of the subject bulldozer's defective and unreasonably dangerous condition, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants John Deere, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**COUNT THREE**  
**(Negligence and/or Wantonness Against The Beard Equipment Defendants and A, B, C and D)**

22. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

23. Beard Equipment was negligent and/or wanton in one or more of the following

respects:

- a. By renting or leasing the 550K John Deere Bulldozer without a seat switch, OPS, or other safety device that would prevent the bulldozer from moving when there is no operator in the seat and/or for failing to offer such safety features as an option;
- b. By failing to warn, or adequately warn the decedent of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety device.
- c. By removing or disconnecting the available seat switch, OPS or other safety device;
- d. By removing the seat belt or seatbelt switch from the bulldozer;
- e. By failing to educate and instruct the decedent concerning the safe operation of the bulldozer prior to renting it to him;
- f. By failing to determine the experience and training of Mr. Vaughn prior to renting or leasing the bulldozer to him.

24. As a proximate result of the Beard Equipment Defendants negligence and/or wantonness, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants Beard Equipment, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY.**

Respectfully submitted,

TAYLOR MARTINO, PC  
Attorneys for Plaintiff

By: /s/ Richard H. Taylor  
RICHARD H. TAYLOR (TAY024)  
455 Saint Louis Street,  
Suite 2100 (36602)  
Post Office Box 894  
Mobile, Alabama 36601  
Telephone: (251) 433-3131  
Facsimile: (251) 433-4207  
Email: richardtaylor@taylormartino.com

By: /s/ Joseph S. Dennis  
JOSEPH S. DENNIS (DEN034)  
455 St. Louis Street,  
Suite 2100 (36602)  
Post Office Box 894  
Mobile, AL 36601  
Telephone: (251) 433-3131  
Facsimile: (251) 433-4207  
Email: joseph@taylormartino.com

**DEFENDANTS TO BE SERVED AS FOLLOWS:**

Beard Equipment Company  
c/o Mark A. Newell, Attorney  
RSA Tower, 27<sup>th</sup> Floor  
11 North Water Street  
Mobile, AL 36602

*Via Private Process Server*

Beard Rental & Equipment, Inc.  
c/o Mark A. Newell, Attorney  
RSA Tower, 27<sup>th</sup> Floor  
11 North Water Street  
Mobile, AL 36602

*Via Private Process Server*



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	
<b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp;COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b>	*	
<b>Defendants.</b>	*	
		<b>Civil Action No: CV-2022-900653</b>

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO BEARD EQUIPMENT DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the Beard Equipment Defendants (Beard Equipment), respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the John Deere bulldozer, Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any bulldozer designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **INTERROGATORIES**

### **CORPORATE**

1. Please identify the person(s) answering these interrogatories.
2. Is this Defendant correctly named in Plaintiff's Complaint? If not, please provide the correct legal name.

### **OSI**

3. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved an operator being thrown from the operating seat of a John Deere bulldozer.

4. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved any bulldozer moving in any direction when the operator is not in the operator compartment.

5. Have any lawsuits have ever been filed or claims made against this defendant concerning any John Deere bulldozers wherein there were allegations that the bulldozer did not have an OPS? In the answer to this interrogatory, state the style of the case, court in which the case was or is pending, the case number, and the disposition made of the case. If a claim, state the date of the claim, person making the claim, and disposition of said claim (Alternatively, produce the documents).

### **OPS**

6. List all John Deere equipment for the period 2001 to 2021 that have OPS as standard or optional equipment. (Alternatively, you can simply produce a brochure for each machine).

7. State the reasons why an OPS was not provided as standard equipment on the subject bulldozer.

8. How much would it have cost you to install an OPS on the subject bulldozer?

9. Describe the purpose of an OPS on John Deere equipment.

### **SUBJECT TRACTOR**

10. With regard to the subject bulldozer please state:

a. When it was manufactured;



- b. Where it was manufactured;
  - c. When you purchased it; and
  - d. Where it was shipped to you and when.
11. Explain and describe in detail the intended use and applications of the subject Bulldozer.
12. Do you contend that there was any change or modification to the subject bulldozer before it was rented or leased to John H. Vaughn, until and up to the date of the subject accident? If so, state:
- a. The change or modification;
  - b. Who made the change or modification; and
  - c. Specifically, how and in what manner said change or modification caused or contributed to the accident.
13. Does Beard Equipment still own the bulldozer? If not, identify the current owner.
14. Did the subject bulldozer have a seatbelt with it when rented to Mr. Vaughn?
15. Did the subject bulldozer have OPS with it when rented to Mr. Vaughn?

### **JOHN'S DEATH**

16. Identify the name, address, and telephone number of all persons who have knowledge of relevant facts of the subject accident, sale and rental of the subject bulldozer, and any other relevant facts applicable to this case.
17. Identify all Beard Equipment employees who communicated with Mr. Vaughn concerning the bulldozer.
18. Identify who inspected the bulldozer after the accident.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H.</b>	*	
<b>VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	<b>Civil Action No: CV-2022-900653</b>
<b>JOHN DEERE COMPANY, A</b>	*	
<b>CORPORATION ; JOHN DEERE</b>	*	
<b>CONSTRUCTION &amp; FORESTRY,</b>	*	
<b>INC;DEERE &amp;COMPANY, INC;</b>	*	
<b>BEARD EQUIPMENT COMPANY,</b>	*	
<b>INC.; BEARD EQUIPMENT</b>	*	
<b>COMPANY ;BEARD RENTAL &amp;</b>	*	
<b>EQUIPMENT , INC.; AND A, B, C, and</b>	*	
<b>D, persons, firms, corporations, or other</b>	*	
<b>legal entities that sold, designed and/or</b>	*	
<b>manufactured the 550K BULLDOZER</b>	*	
<b>that was defective and unreasonably</b>	*	
<b>dangerous and that Plaintiff's decedent</b>	*	
<b>was operating at the time of his death,</b>	*	
<b>and/or failed to warn or adequately warn</b>	*	
<b>about said 550K BULLDOZER's</b>	*	
<b>defective and unreasonably dangerous</b>	*	
<b>condition, and/or who negligently or</b>	*	
<b>wantonly sold, rented , leased, designed,</b>	*	
<b>manufactured, and/or failed to warn</b>	*	
<b>about said bulldozer, all whose true</b>	*	
<b>identities are presently unknown to the</b>	*	
<b>Plaintiff, but who will be added by</b>	*	
<b>amendment when ascertained,</b>	*	
<b>Defendants.</b>		

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO BEARD  
EQUIPMENT DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the Beard Equipment Defendants respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data, electronically stored information, videos, and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any tractor designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **REQUESTS FOR PRODUCTION**

### **CORPORATE**

1. Produce all educational, safety, and/or instructional material supplied to you by John Deere with respect to the subject bulldozer.

2. Produce all documents which you provide to renters, buyers or users about the safety of bulldozers.

3. Produce dealership agreements and/or contracts between John Deere and Beard Equipment Company, Beard Equipment Company, Inc., Beard Equipment & Rental, Inc., in effect in 2020.

4. Produce any insurance policy that will or may provide coverage for you in this case.

**OPS**

5. Produce documents, like brochures, which identify and discuss the first John Deere machine equipped with OPS.

6. Produce all John Deere brochures, pamphlets and the like that depict any John Deere equipment with OPS.

7. Produce documents which identify the cost of an OPS on a John Deere bulldozer or other John Deere equipment.

**SUBJECT BULLDOZER**

8. Produce all sales, warranty, and repair records relating to the subject bulldozer.

9. Produce the operator's manual, owner's manual or any other manual for the subject bulldozer.

10. Produce advertisements, brochures, video and/or commercial advertisements for the subject bulldozer.

11. Produce all brochures, videos, or other materials showing the intended purposes and applications for the subject bulldozer.

12. Produce all photos of the subject bulldozer taken before and after the accident.

13. Produce documents pertaining to the purchase of the subject bulldozer.

**OSI**

14. Produce any and all documents which identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that a John Deere bulldozer was defective, or unsafe, by failing to have an OPS.

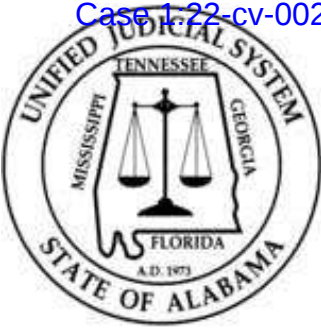
15. Produce any and all documents and electronically stored information which will identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that an operator left the operator compartment of a bulldozer and was involved or killed when the machine continued to move.

16. Produce all the rental or lease agreements with John Vaughn for the subject bulldozer.

17. Produce your rental policy and rental agreements

18. Produce all communications with Mr. Vaughn and the Vaughn family.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**



## AlaFile E-Notice

02-CV-2022-900653.00

To: RICHARD HARRELL TAYLOR  
richard@taylormartino.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

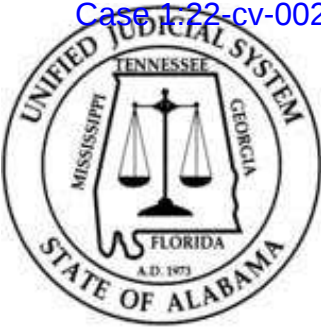
PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following alias summons was FILED on 5/3/2022 11:13:30 AM

Notice Date: 5/3/2022 11:13:30 AM

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: BEARD RENTAL & EQUIPMENT, INC.  
C/O MARK A. NEWELL  
11 N. WATER STREET  
MOBILE, AL, 36602

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

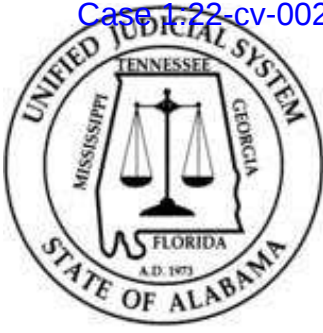
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11 N. WATER STREET  
MOBILE, AL, 36602

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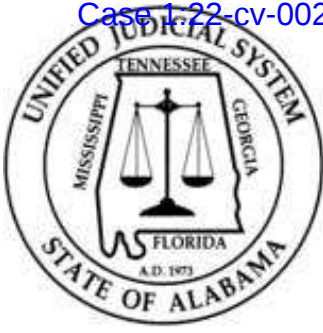
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251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: JOHN DEERE COMPANY (PRO SE)  
C/O THE CORPORATION CO.  
60 COMMERCE STREET  
MONTGOMERY, AL, 36103-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

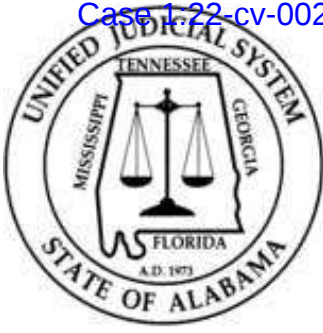
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MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

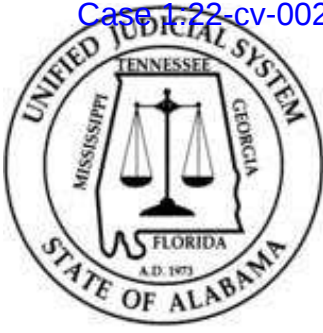
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MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: DEERE & COMPANY, INC. (PRO SE)  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

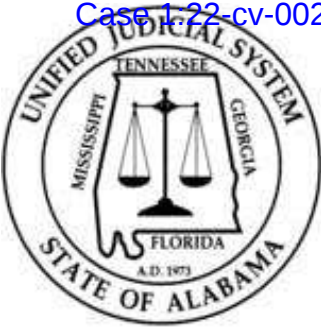
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CIRCUIT CIVIL DIVISION  
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MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL, 36617-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

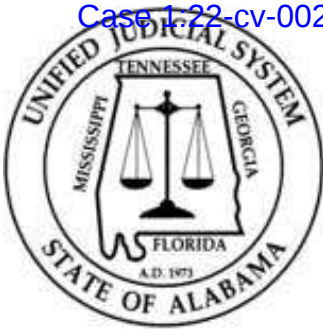
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251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: DENNIS JOSEPH STEWART  
joseph@taylormartino.com

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>02-CV-2022-900653.00</b>
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** BEARD RENTAL & EQUIPMENT, INC., C/O MARK A. NEWELL 11 N. WATER STREET, MOBILE, AL 36602  
*(Name and Address of Defendant)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☒ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☐ Service by certified mail of this Summons is initiated upon the written request of \_\_\_\_\_  
*(Name(s))*  
 pursuant to the Alabama Rules of the Civil Procedure.

05/03/2022                      /s/ JOJO SCHWARZAUER                      By: \_\_\_\_\_  
*(Date)*                                      *(Signature of Clerk)*                                      *(Name)*

☐ Certified Mail is hereby requested. \_\_\_\_\_  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name of Person Served)*                                      *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type of Process Server)*

\_\_\_\_\_  
*(Server's Signature)*

\_\_\_\_\_  
*(Address of Server)*

\_\_\_\_\_  
*(Server's Printed Name)*

\_\_\_\_\_  
*(Phone Number of Server)*

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> 02-CV-2022-900653.00
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** BEARD EQUIPMENT COMPANY, C/O MARK A. NEWELL 11 N. WATER STREET, MOBILE, AL 36602  
 \_\_\_\_\_  
*(Name and Address of Defendant)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 RICHARD HARRELL TAYLOR  
 \_\_\_\_\_  
*[Name(s) of Attorney(s)]*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
 \_\_\_\_\_  
*[Address(es) of Plaintiff(s) or Attorney(s)]*

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☒ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☐ Service by certified mail of this Summons is initiated upon the written request of \_\_\_\_\_  
 pursuant to the Alabama Rules of the Civil Procedure. *[Name(s)]*

05/03/2022 \_\_\_\_\_ /s/ JOJO SCHWARZAUER By: \_\_\_\_\_  
*(Date)* *(Signature of Clerk)* *(Name)*

☐ Certified Mail is hereby requested. \_\_\_\_\_  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name of Person Served)* *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type of Process Server)*

\_\_\_\_\_  
*(Server's Signature)*

\_\_\_\_\_  
*(Address of Server)*

\_\_\_\_\_  
*(Server's Printed Name)*

\_\_\_\_\_  
*(Phone Number of Server)*





**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<p><b>PAMELA D. VAUGHN, as Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b></p> <p><b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp;COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b></p> <p><b>Defendants.</b></p>	<p><b>Civil Action No: CV-2022-900653</b></p>
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## COMPLAINT

1. The Plaintiff Pamela D. Vaughn is the Administratrix of the Estate of her husband, John H. Vaughn, Deceased, and is a resident citizen of Baldwin County, Alabama. John Vaughn was a resident citizen of Baldwin County, Alabama, at the time of his death on May 2, 2020.

2. The Defendants John Deere Company, John Deere Construction & Forestry

Company, Inc, and Deere & Company, Inc. (hereinafter, “John Deere”) are foreign corporations doing business in the State of Alabama at all times material herein.

3. The Defendants Beard Equipment Company, Inc., Beard Equipment Company, and Beard Rental & Equipment, Inc. (hereinafter, “Beard Equipment”), are Florida and Alabama corporations, respectively, doing business in this State at all times material herein. Beard Equipment’s principal place of business is in Mobile County, Alabama.

4. The Defendants A, B, C, and D are persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff’s decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER’s defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained.

5. Venue is proper in Mobile County as to the Beard Equipment Defendants pursuant to Ala. Code 1975 § 6-3-7(a)(2), as the Beard Equipment Defendant corporations maintained their principal office and principal place of business in Mobile County, Alabama. Venue is proper in Mobile County as to the John Deere Defendants pursuant to Ala. Code § 6-3-7(a)(4) as the defendant corporations were doing business by its agent Beard Equipment in Mobile County, Alabama, at the time of accrual of the cause of action.

### **FACTUAL ALLEGATIONS**

6. On or about May 2, 2020, Plaintiff’s decedent John H. Vaughn was involved in a fatal incident involving a John Deere 550K Crawler Dozer in Baldwin County, Alabama.

7. On or before May 2, 2020, the John Deere 550K Crawler bulldozer was rented or

leased to John H. Vaughn by Beard Equipment at its Pensacola, Florida, office.

8. The JOHN DEERE 550K BULLDOZER at issue was designed, manufactured, marketed, sold or otherwise distributed or placed into the stream of commerce by the John Deere defendants.

9. On May 2, 2020, Plaintiff's decedent John H. Vaughn was clearing his land with the bulldozer in a foreseeable and intended manner when he left the operator compartment for reasons unknown at this time.

10. After Mr. Vaughn left the bulldozer's operator compartment, the bulldozer continued to move forward and ultimately ran over Mr. Vaughn and killed him.

11. The bulldozer was defective in that it was not equipped with an Operator Presence Sensing System (OPS), seat switch, stop bar, seatbelt switch or other safety device to stop the bulldozer in the event an operator leaves the seat for whatever reason.

### **COUNT ONE**

#### **(Negligence/Wantonness Against John Deere Defendants and A, B, C and D )**

12. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

13. The John Deere Defendants and A, B, C, and D owed certain duties to Plaintiff's decedent, but were negligent and/or wanton in one or more of the following ways:

- a. Failing to design, manufacture and/or distribute bulldozers that will not move forward or in reverse when the operator is not in the operator's seat (e.g. Seat switch, OPS, or seatbelt switch);
- b. Failing to equip the bulldozer with an emergency shutoff in the event the bulldozer remains in gear and moving when the operator is not in the operator's seat;

- c. Failing to provide sufficient and proper warnings, instructions and information to users regarding the bulldozer to ensure its safe use; and
- d. Failing to properly educate, monitor and train dealers concerning the rental or lease of its bulldozers that lack safety devices.

14. When the subject bulldozer left the control of the Defendants, economically and technically feasible alternative designs were available that would have minimized or eliminated the danger and prevented the harm to Plaintiff's decedent without significantly impairing the usefulness or desirability of the product

15. The foregoing breaches of duty directly and proximately caused or contributed to fatal injury and the wrongful death of John H. Vaughn.

16. As the direct and/or proximate result of the negligent and/or wanton acts and/or omissions of The John Deere Defendants and A, B, C, and D, John H. Vaughn died.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against The John Deere Defendants, and Fictitious Defendants A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

#### **COUNT TWO**

**(Alabama Extended Manufacturer's Liability Doctrine Against John Deere Defendants and A, B, C, and D)**

17. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

18. The subject bulldozer manufactured, designed, and sold by said Defendants was defective and unreasonably dangerous, and was in this condition when it left the Defendants' hands. Said Defendants are in the business of manufacturing, designing, and selling bulldozers.

19. The subject bulldozer did not perform according to the reasonable expectations of the consumer. Said bulldozer was expected to, and did, reach the ultimate consumer without substantial change in its condition at the time it left the hands of said Defendants.

20. The subject bulldozer was defective and unreasonably dangerous in one or more of the following respects:

a. By design, because it was not equipped with a seat switch, OPS, seatbelt switch or other safety features to prevent the bulldozer from moving when the operator is not in the seat;

b. By manufacture, because there was no seat switch, OPS, or seatbelt switch manufactured as standard equipment or as an available option;

c. Because said Defendants failed to warn, or adequately warn, ultimate users and consumers, including Plaintiff's decedent, of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety devices when the Defendants were aware of the dangers.

21. As a proximate result of the subject bulldozer's defective and unreasonably dangerous condition, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants John Deere, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**COUNT THREE**  
**(Negligence and/or Wantonness Against The Beard Equipment Defendants and A, B, C and D)**

22. Plaintiff incorporates each preceding Paragraph as though fully restated herein.

23. Beard Equipment was negligent and/or wanton in one or more of the following

respects:

- a. By renting or leasing the 550K John Deere Bulldozer without a seat switch, OPS, or other safety device that would prevent the bulldozer from moving when there is no operator in the seat and/or for failing to offer such safety features as an option;
- b. By failing to warn, or adequately warn the decedent of the dangers associated with operating the subject bulldozer without a seat switch, OPS, seatbelt switch or other safety device.
- c. By removing or disconnecting the available seat switch, OPS or other safety device;
- d. By removing the seat belt or seatbelt switch from the bulldozer;
- e. By failing to educate and instruct the decedent concerning the safe operation of the bulldozer prior to renting it to him;
- f. By failing to determine the experience and training of Mr. Vaughn prior to renting or leasing the bulldozer to him.

24. As a proximate result of the Beard Equipment Defendants negligence and/or wantonness, Plaintiff's decedent was killed.

WHEREFORE, Plaintiff Pamela D. Vaughn, as Administratrix of the Estate of John H. Vaughn, Deceased, demands judgment against Defendants Beard Equipment, A, B, C, and D, jointly and individually, for punitive damages pursuant to Alabama's Wrongful Death Statute, in a sum exceeding this Court's jurisdictional amount, plus the costs of this action.

**PLAINTIFF RESPECTFULLY DEMANDS A TRIAL BY JURY.**

Respectfully submitted,

TAYLOR MARTINO, PC  
Attorneys for Plaintiff

By: /s/ Richard H. Taylor  
RICHARD H. TAYLOR (TAY024)  
455 Saint Louis Street,  
Suite 2100 (36602)  
Post Office Box 894  
Mobile, Alabama 36601  
Telephone: (251) 433-3131  
Facsimile: (251) 433-4207  
Email: richardtaylor@taylormartino.com

By: /s/ Joseph S. Dennis  
JOSEPH S. DENNIS (DEN034)  
455 St. Louis Street,  
Suite 2100 (36602)  
Post Office Box 894  
Mobile, AL 36601  
Telephone: (251) 433-3131  
Facsimile: (251) 433-4207  
Email: joseph@taylormartino.com

**DEFENDANTS TO BE SERVED AS FOLLOWS:**

Beard Equipment Company  
c/o Elvie Addington, Registered Agent  
5869 Nowling Dr.  
Milton, FL 32583

*Via Certified Mail*

Beard Rental & Equipment, Inc.  
c/o Bradley W. Beard Jr., Registered Agent  
2480 East I65 Service Road  
Mobile, AL 36617

*Via Certified Mail*



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b>	*	
	*	
<b>Plaintiff,</b>	*	
	*	
<b>v.</b>	*	<b>Civil Action No: CV-2022-900653</b>
	*	
<b>JOHN DEERE COMPANY, A</b>	*	
<b>CORPORATION ; JOHN DEERE</b>	*	
<b>CONSTRUCTION &amp; FORESTRY,</b>	*	
<b>INC;DEERE &amp;COMPANY, INC;</b>	*	
<b>BEARD EQUIPMENT COMPANY,</b>	*	
<b>INC.; BEARD EQUIPMENT</b>	*	
<b>COMPANY ;BEARD RENTAL &amp;</b>	*	
<b>EQUIPMENT , INC.; AND A, B, C, and</b>	*	
<b>D, persons, firms, corporations, or other</b>	*	
<b>legal entities that sold, designed and/or</b>	*	
<b>manufactured the 550K BULLDOZER</b>	*	
<b>that was defective and unreasonably</b>	*	
<b>dangerous and that Plaintiff's decedent</b>	*	
<b>was operating at the time of his death,</b>	*	
<b>and/or failed to warn or adequately warn</b>	*	
<b>about said 550K BULLDOZER's</b>	*	
<b>defective and unreasonably dangerous</b>	*	
<b>condition, and/or who negligently or</b>	*	
<b>wantonly sold, rented , leased, designed,</b>	*	
<b>manufactured, and/or failed to warn</b>	*	
<b>about said bulldozer, all whose true</b>	*	
<b>identities are presently unknown to the</b>	*	
<b>Plaintiff, but who will be added by</b>	*	
<b>amendment when ascertained,</b>	*	
<b>Defendants.</b>		

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO BEARD EQUIPMENT**  
**DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the Beard Equipment Defendants (Beard Equipment), respond to the following Requests:

**DEFINITIONS**



A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the John Deere bulldozer, Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any bulldozer designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **INTERROGATORIES**

### **CORPORATE**

1. Please identify the person(s) answering these interrogatories.
2. Is this Defendant correctly named in Plaintiff's Complaint? If not, please provide the correct legal name.

### **OSI**

3. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved an operator being thrown from the operating seat of a John Deere bulldozer.

4. Identify all injuries and deaths reported, or made known to Beard Equipment or its related companies, which involved any bulldozer moving in any direction when the operator is not in the operator compartment.

5. Have any lawsuits have ever been filed or claims made against this defendant concerning any John Deere bulldozers wherein there were allegations that the bulldozer did not have an OPS? In the answer to this interrogatory, state the style of the case, court in which the case was or is pending, the case number, and the disposition made of the case. If a claim, state the date of the claim, person making the claim, and disposition of said claim (Alternatively, produce the documents).

### **OPS**

6. List all John Deere equipment for the period 2001 to 2021 that have OPS as standard or optional equipment. (Alternatively, you can simply produce a brochure for each machine).

7. State the reasons why an OPS was not provided as standard equipment on the subject bulldozer.

8. How much would it have cost you to install an OPS on the subject bulldozer?

9. Describe the purpose of an OPS on John Deere equipment.

### **SUBJECT TRACTOR**

10. With regard to the subject bulldozer please state:

a. When it was manufactured;

- b. Where it was manufactured;
  - c. When you purchased it; and
  - d. Where it was shipped to you and when.
11. Explain and describe in detail the intended use and applications of the subject Bulldozer.
12. Do you contend that there was any change or modification to the subject bulldozer before it was rented or leased to John H. Vaughn, until and up to the date of the subject accident? If so, state:
- a. The change or modification;
  - b. Who made the change or modification; and
  - c. Specifically, how and in what manner said change or modification caused or contributed to the accident.
13. Does Beard Equipment still own the bulldozer? If not, identify the current owner.
14. Did the subject bulldozer have a seatbelt with it when rented to Mr. Vaughn?
15. Did the subject bulldozer have OPS with it when rented to Mr. Vaughn?

### **JOHN'S DEATH**

16. Identify the name, address, and telephone number of all persons who have knowledge of relevant facts of the subject accident, sale and rental of the subject bulldozer, and any other relevant facts applicable to this case.
17. Identify all Beard Equipment employees who communicated with Mr. Vaughn concerning the bulldozer.
18. Identify who inspected the bulldozer after the accident.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**



**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**

<b>PAMELA D. VAUGHN, as</b>	*	
<b>Administratrix of the Estate of JOHN H. VAUGHN, Deceased,</b>	*	
<b>Plaintiff,</b>	*	
<b>v.</b>	*	
<b>JOHN DEERE COMPANY, A CORPORATION ; JOHN DEERE CONSTRUCTION &amp; FORESTRY, INC;DEERE &amp;COMPANY, INC; BEARD EQUIPMENT COMPANY, INC.; BEARD EQUIPMENT COMPANY ;BEARD RENTAL &amp; EQUIPMENT , INC.; AND A, B, C, and D, persons, firms, corporations, or other legal entities that sold, designed and/or manufactured the 550K BULLDOZER that was defective and unreasonably dangerous and that Plaintiff's decedent was operating at the time of his death, and/or failed to warn or adequately warn about said 550K BULLDOZER's defective and unreasonably dangerous condition, and/or who negligently or wantonly sold, rented , leased, designed, manufactured, and/or failed to warn about said bulldozer, all whose true identities are presently unknown to the Plaintiff, but who will be added by amendment when ascertained,</b>	*	
<b>Defendants.</b>	*	
		<b>Civil Action No: CV-2022-900653</b>

**PLAINTIFF'S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO BEARD EQUIPMENT DEFENDANTS**

COMES NOW the Plaintiff, in the above styled cause, and hereby respectfully requests that the Beard Equipment Defendants respond to the following Requests:

**DEFINITIONS**

A. "YOU" or "YOUR" means the named party to whom this discovery is addressed and any of the Defendants' related entities or subsidiaries who designed, manufactured and/or distributed tractors.

B. "COMMUNICATION(S)" whether singular or plural, will mean any written, oral, electronic or telephonic transmission of information.

C. "DOCUMENT(S)" whether singular or plural, is defined to be synonymous in meaning and equal in scope to the usage of this term in *Federal Rules of Civil Procedure* and includes electronic data, electronically stored information, videos, and photographs.

D. "OPS" means operating presence sensing system, "seat switch", "seatbelt switch" or other safety devices that would prevent a machine from moving when an operator leaves the seat.

E. "IDENTIFY" will mean to state his/her full name and present last known address his/her present or last known business affiliation and his/her position therewith.

To the extent that any of the above information is not available, state all other available means of identifying such natural person. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

F. "SUBJECT BULLDOZER" means the Model No. 550K, operated by Plaintiff's decedent at the time of his death, which is made the basis of Plaintiff's Complaint.

G. "BULLDOZER" means any tractor designed, manufactured or distributed by you no matter what brand, model, size or weight.

## **REQUESTS FOR PRODUCTION**

### **CORPORATE**

1. Produce all educational, safety, and/or instructional material supplied to you by John Deere with respect to the subject bulldozer.

2. Produce all documents which you provide to renters, buyers or users about the safety of bulldozers.

3. Produce dealership agreements and/or contracts between John Deere and Beard Equipment Company, Beard Equipment Company, Inc., Beard Equipment & Rental, Inc., in effect in 2020.

4. Produce any insurance policy that will or may provide coverage for you in this case.

**OPS**

5. Produce documents, like brochures, which identify and discuss the first John Deere machine equipped with OPS.

6. Produce all John Deere brochures, pamphlets and the like that depict any John Deere equipment with OPS.

7. Produce documents which identify the cost of an OPS on a John Deere bulldozer or other John Deere equipment.

**SUBJECT BULLDOZER**

8. Produce all sales, warranty, and repair records relating to the subject bulldozer.

9. Produce the operator's manual, owner's manual or any other manual for the subject bulldozer.

10. Produce advertisements, brochures, video and/or commercial advertisements for the subject bulldozer.

11. Produce all brochures, videos, or other materials showing the intended purposes and applications for the subject bulldozer.

12. Produce all photos of the subject bulldozer taken before and after the accident.

13. Produce documents pertaining to the purchase of the subject bulldozer.

**OSI**

14. Produce any and all documents which identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that a John Deere bulldozer was defective, or unsafe, by failing to have an OPS.

15. Produce any and all documents and electronically stored information which will identify each and every incident, accident, notice, claim, correspondence, or lawsuit wherein it was alleged that an operator left the operator compartment of a bulldozer and was involved or killed when the machine continued to move.

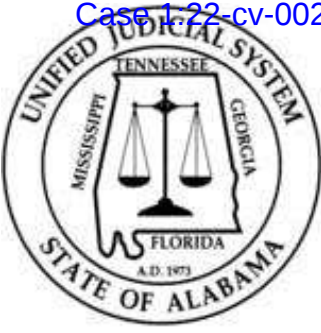
16. Produce all the rental or lease agreements with John Vaughn for the subject bulldozer.

17. Produce your rental policy and rental agreements

18. Produce all communications with Mr. Vaughn and the Vaughn family.

**THIS DISCOVERY IS BEING SERVED WITH THE COMPLAINT—RESPONSES ARE DUE 45 DAYS FROM THE SERVICE OF THE COMPLAINT**





## AlaFile E-Notice

02-CV-2022-900653.00

To: RICHARD HARRELL TAYLOR  
richard@taylormartino.com

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

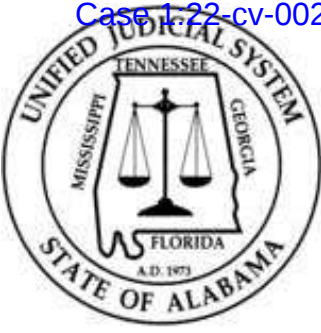
PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following alias summons was FILED on 5/5/2022 4:23:40 PM

Notice Date: 5/5/2022 4:23:40 PM

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: JOHN DEERE COMPANY (PRO SE)  
C/O THE CORPORATION CO.  
60 COMMERCE STREET  
MONTGOMERY, AL, 36103-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

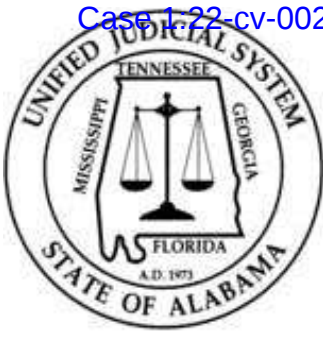
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205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

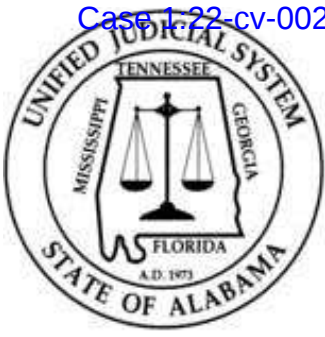
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02-CV-2022-900653.00

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MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: DEERE & COMPANY, INC. (PRO SE)  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

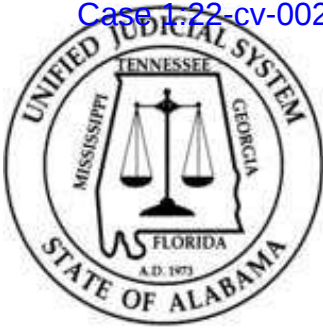
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02-CV-2022-900653.00

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CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL, 36617-0000

---

## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following alias summons was FILED on 5/5/2022 4:23:40 PM

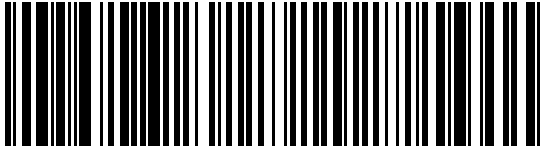
Notice Date: 5/5/2022 4:23:40 PM

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644



9214 8901 7301 4102 2200 0543 95

02-CV-2022-900653.00

To: BEARD EQUIPMENT COMPANY  
C/O ELVIE ADDINGTON  
5869 NOWLING DR.  
MILTON, FL 32583

---

## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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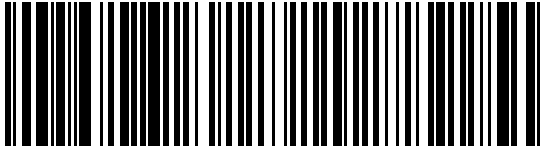
Notice Date: 5/5/2022 4:23:40 PM

**JOJO SCHWARZAUER**  
**CIRCUIT COURT CLERK**  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL 36644

251-574-8420  
charles.lewis@alacourt.gov



CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644



9214 8901 7301 4102 2200 0544 01

02-CV-2022-900653.00

To: BEARD RENTAL & EQUIPMENT, INC.  
C/O BRADLEY W. BEARD JR.  
2480 E. I-65 SERVICE RD.  
MOBILE, AL 36617

---

## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

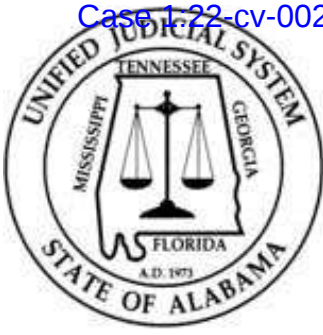
PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

To: DENNIS JOSEPH STEWART  
joseph@taylormartino.com

---

## NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>02-CV-2022-900653.00</b>
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**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** BEARD EQUIPMENT COMPANY, C/O ELVIE ADDINGTON 5869 NOWLING DR., MILTON, FL 32583  
*(Name and Address of Defendant)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☐ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☒ Service by certified mail of this Summons is initiated upon the written request of VAUGHN PAMELA D.  
*(Name(s))*  
 pursuant to the Alabama Rules of the Civil Procedure.

05/05/2022 *(Date)*      /s/ JOJO SCHWARZAUER *(Signature of Clerk)*      By: \_\_\_\_\_ *(Name)*

☒ Certified Mail is hereby requested.      /s/ RICHARD HARRELL TAYLOR  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name of Person Served)*      *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type of Process Server)*

\_\_\_\_\_  
*(Server's Signature)*

\_\_\_\_\_  
*(Address of Server)*

\_\_\_\_\_  
*(Server's Printed Name)*

\_\_\_\_\_  
*(Phone Number of Server)*

<b>State of Alabama</b> <b>Unified Judicial System</b> <b>Form C-34 Rev. 4/2017</b>	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>02-CV-2022-900653.00</b>
---	------------------------------------	---

**IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA**  
**PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL**

**NOTICE TO:** BEARD RENTAL & EQUIPMENT, INC., C/O BRADLEY W. BEARD JR. 2480 E. I-65 SERVICE RD., MOBILE, AL 36617  
*(Name and Address of Defendant)*

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 RICHARD HARRELL TAYLOR  
*(Name(s) of Attorney(s))*

WHOSE ADDRESS(ES) IS/ARE: P.O. BOX 894, MOBILE, AL 36601  
*(Address(es) of Plaintiff(s) or Attorney(s))*

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**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

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*(Name(s))*  
 pursuant to the Alabama Rules of the Civil Procedure.

05/05/2022 *(Date)*      /s/ JOJO SCHWARZAUER *(Signature of Clerk)*      By: \_\_\_\_\_ *(Name)*

☒ Certified Mail is hereby requested.      /s/ RICHARD HARRELL TAYLOR  
*(Plaintiff's/Attorney's Signature)*

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
*(Date)*

☐ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County,  
*(Name of Person Served)*      *(Name of County)*

Alabama on \_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Type of Process Server)*

\_\_\_\_\_  
*(Server's Signature)*

\_\_\_\_\_  
*(Address of Server)*

\_\_\_\_\_  
*(Server's Printed Name)*

\_\_\_\_\_  
*(Phone Number of Server)*



May 9, 2022

Dear Circuit Clerk:

**UJS Information**

Case Number: 02-CV-2022-900653.00  
Document Type: Alias Summons  
Restricted Delivery Requested: No

Intended Recipient:  
BEARD EQUIPMENT COMPANY (D004)  
C/O ELVIE ADDINGTON  
5869 NOWLING DR.  
MILTON, FL 32583

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 7301 4102 2200 0543 95.**

**Item Details**

**Status:** Delivered, Left with Individual  
**Status Date / Time:** May 9, 2022, 3:34 pm  
**Location:** MILTON, FL 32583  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
Return Receipt Electronic

**Shipment Details**

**Weight:** 4.0oz

**Recipient Signature**

Signature of Recipient:

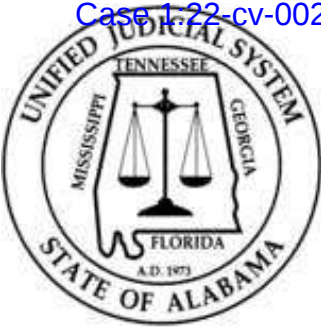
Address of Recipient:

*[Handwritten signature]*  
*[Handwritten signature]*  
5869  
Nowling

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

---

## NOTICE OF SERVICE

---

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following matter was served on 5/9/2022

D004 BEARD EQUIPMENT COMPANY

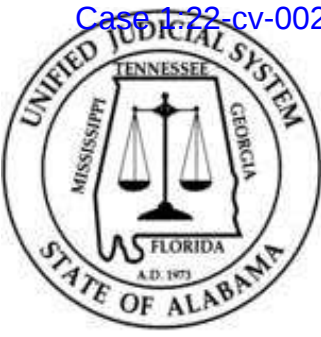
Corresponding To

CERTIFIED MAIL

ELECTRONIC CERTIFIED MAIL RETURN

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DENNIS JOSEPH STEWART  
joseph@taylormartino.com

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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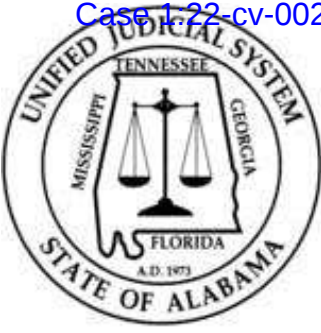
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CERTIFIED MAIL

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JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE COMPANY (PRO SE)  
C/O THE CORPORATION CO.  
60 COMMERCE STREET  
MONTGOMERY, AL, 36103-0000

---

## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following matter was served on 5/9/2022

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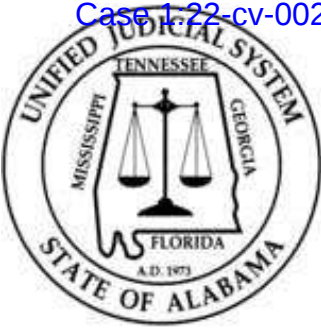
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MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

---

## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

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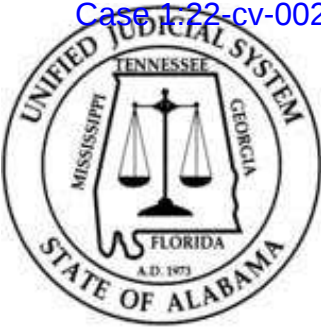
Corresponding To

CERTIFIED MAIL

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CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DEERE & COMPANY, INC. (PRO SE)  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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02-CV-2022-900653.00

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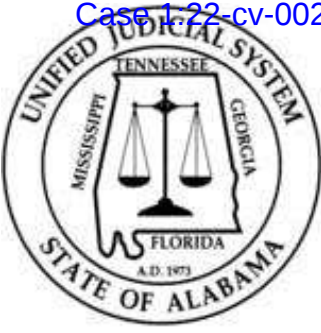
CERTIFIED MAIL

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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY (PRO SE)  
C/O ELVIE ADDINGTON  
5869 NOWLING DR.  
MILTON, FL, 32583-0000

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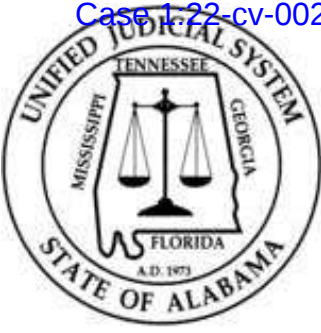
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL, 36617-0000

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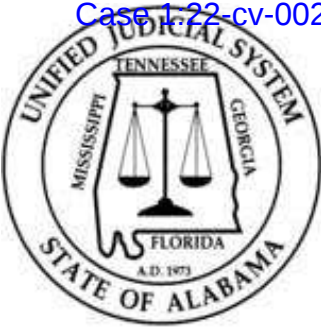
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD RENTAL & EQUIPMENT, INC. (PRO SE)  
C/O BRADLEY W. BEARD JR.  
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MOBILE, AL, 36617-0000

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CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov



May 9, 2022

Dear Circuit Clerk:

**UJS Information**

Case Number: 02-CV-2022-900653.00  
Document Type: Alias Summons  
Restricted Delivery Requested: No

Intended Recipient:  
BEARD RENTAL & EQUIPMENT, INC. (D006)  
C/O BRADLEY W. BEARD JR.  
2480 E. I-65 SERVICE RD.  
MOBILE, AL 36617

The following is in response to your request for proof of delivery on your item with the tracking number:  
**9214 8901 7301 4102 2200 0544 01.**

**Item Details**

**Status:** Delivered, Left with Individual  
**Status Date / Time:** May 9, 2022, 1:05 pm  
**Location:** MOBILE, AL 36617  
**Postal Product:** First-Class Mail®  
**Extra Services:** Certified Mail™  
Return Receipt Electronic

**Shipment Details**

**Weight:** 4.0oz

**Recipient Signature**

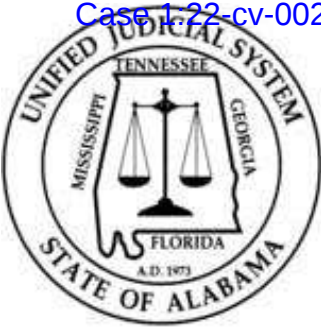
Signature of Recipient:

Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,  
United States Postal Service®  
475 L'Enfant Plaza SW  
Washington, D.C. 20260-0004



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: TAYLOR RICHARD HARRELL  
richard@taylormartino.com

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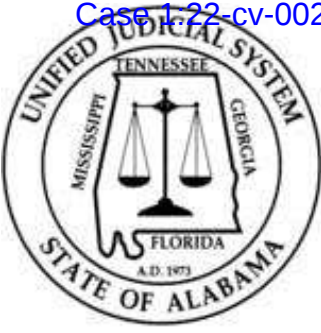
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DENNIS JOSEPH STEWART  
joseph@taylormartino.com

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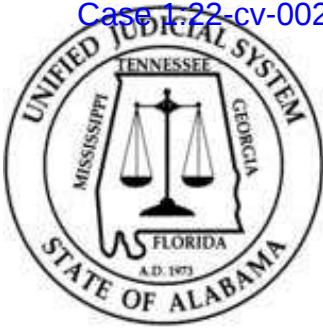
Corresponding To

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CIRCUIT COURT CLERK  
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE COMPANY (PRO SE)  
C/O THE CORPORATION CO.  
60 COMMERCE STREET  
MONTGOMERY, AL, 36103-0000

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
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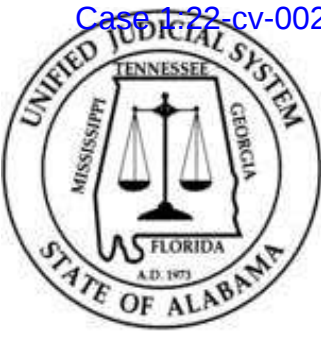
Corresponding To

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JOJO SCHWARZAUER  
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charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: JOHN DEERE CONSTRUCTION & FORESTRY COMPANY, INC. (P  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

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02-CV-2022-900653.00

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D006 BEARD RENTAL &amp; EQUIPMENT, INC.

Corresponding To

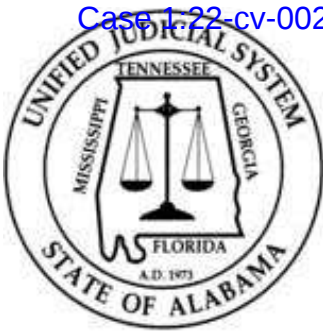
CERTIFIED MAIL

ELECTRONIC CERTIFIED MAIL RETURN

JOJO SCHWARZAUER  
CIRCUIT COURT CLERK  
MOBILE COUNTY, ALABAMA  
CIRCUIT CIVIL DIVISION  
205 GOVERNMENT STREET  
MOBILE, AL, 36644

251-574-8420  
charles.lewis@alacourt.gov





## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: DEERE & COMPANY, INC. (PRO SE)  
C/O CT CORPORATION SYSTEM  
2 NORTH JACKSON STREET  
MONTGOMERY, AL, 36104-0000

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## NOTICE OF SERVICE

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

PAMELA D. VAUGHN V. JOHN DEERE COMPANY ET AL  
02-CV-2022-900653.00

The following matter was served on 5/9/2022

D006 BEARD RENTAL &amp; EQUIPMENT, INC.

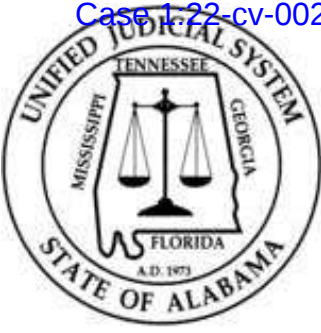
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MOBILE, AL, 36644

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charles.lewis@alacourt.gov



## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY (PRO SE)  
C/O ELVIE ADDINGTON  
5869 NOWLING DR.  
MILTON, FL, 32583-0000

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IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

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02-CV-2022-900653.00

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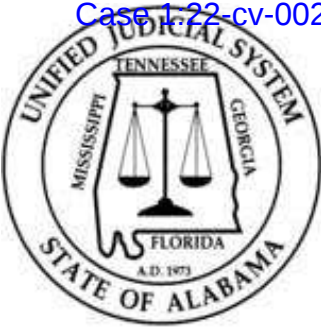
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## AlaFile E-Notice

02-CV-2022-900653.00

Judge: JAMES T. PATTERSON

To: BEARD EQUIPMENT COMPANY, INC. (PRO SE)  
C/O BRADLEY W. BEARD, JR.  
2459 N. BELTLINE HWY  
MOBILE, AL, 36617-0000

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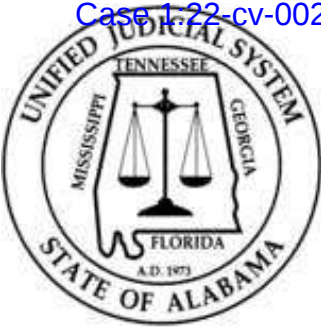
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Judge: JAMES T. PATTERSON

To: BEARD RENTAL & EQUIPMENT, INC. (PRO SE)  
C/O BRADLEY W. BEARD JR.  
2480 E. I-65 SERVICE RD.  
MOBILE, AL, 36617-0000

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